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EDITORIAL

In the first quarter of the present century, the ' Modern Criminal Science Series ', established in Chicago under the auspices of the American Institute of Criminal Law and Criminology, rendered a valuable service to the scientific study of crime by publishing English translations of outstanding European works in the field of criminology and penology. Among the authors translated were Lombroso, Ferri, Garofalo, Tarde, Saleilles, Bonger, Gross and Aschaffenburg. In more recent years, no doubt on account of the unparalleled growth of an indigenous criminological science in the U.S.A., American interest in continental literature seems to have declined, and that notable series has been discontinued. There is still, however, a great need to make more widely known the most important of those contributions to European criminology which are not written in one of the principal languages. In some of the countries concerned, certain important steps have been taken to achieve this object. The ' Northern Associations of Criminalists ' have, for many years, published an abbreviated English edition of their Yearbook, and some of the works of their leading members, such as Olof Kinberg and Veli Verkkö, have appeared in English translations. In other cases, as, for example, the Criminological Studies of the University of Utrecht and Karl O. Christiansen's monograph on Danish collaborators, at least summaries in English, occasionally also in French, have been added. Nevertheless, much remains to be done, and it is hoped that the International Society of Criminology will devote its attention to the matter.

In this connection the Editors are pleased to publish in the present number a translation of at least one chapter of a book by a distinguished Dutch criminologist. Professor van Bemmelen's analysis of certain aspects of the work of Adolphe Quetelet, in particular of Quetelet's formulations on the ' constancy of crime ', might, in some ways, appear to be not entirely without topical interest in view of the part played by the great Belgian

statistician at the London Exhibition of 1851 where he spoke in favour of an International Statistical Congress with the object of securing greater uniformity in statistical publications—a Congress actually held in Brussels in 1853 under his presidency.

Incidentally, the translation of Monsieur Pinatel's informative account of developments in post-war France, also published in this number, has drawn our attention to the need for a comprehensive and detailed international glossary of criminological and penological terms. To find an accurate translation for such technical terms as *relégation*, *réclusion*, without going deeply into the details of the French penal system, appears almost impossible. The same applies, of course, to many medical and psychiatric expressions. Here, too, there seems to be a wide and extremely useful field of activity for the International Society of Criminology.

Needless to add, accurate translations and polyglot glossaries are no mere domestic ancillaries to scientific research. They subserve also the purposes of definition. And accurate definition is the most urgent of all criminological needs, albeit one that cannot be met by the unilateral activities of an exclusively criminological organization. Only by the most painstaking collaboration between experts in the fields of psychiatry, psychology, sociology and anthropology can we hope to achieve adequate definition of the common terms (or of their equivalents) so necessary to a multi-lateral criminological approach. Even when it is impossible to find suitable equivalents, to give, for example, a sociological paraphrase of a psychological expression, at least the exact connotation of the original term should be clearly set out; so that when a sociologist wishes to talk in the language of individual psychology, as he very well may, indeed sometimes must, he can do so without fear of contradiction. And no doubt clinical psychologists would be glad to be apprised of the exact socio-legal equivalents of such technical terms as the ' precipitating factor ' in mental disorder; in return for which service they might well be prepared to produce a classification of ' extenuating circumstances ' based on psycho-dynamic factors.

To illustrate the urgent necessity of accurate definition, we need only consider the psychiatric aspects of the ' law of the constancy of crime ' to which reference has already been made. The day is now past when we can be content, as was Henry Thomas Buckle, to see in Quetelet's ' law ', an additional proof that murder or suicide or any other felony ' is merely the product of the general conditions of society, and that the individual felon only carries into effect what is a necessary consequence of preceding circumstances.' ' In a given state of society,' wrote Buckle about 1857, ' a

certain number of persons must put an end to their own life. This is the general law; and the special question as to who shall commit the crime depends on special laws; which however in their total action must obey the large social law to which they are all subordinate.'

Now it is precisely towards those ' special laws ', and not to any ' large social law ', which is after all only a statistically based generalization of any constancy of relationship between phenomena, that the dynamic psychologist directs his special attention. Moreover, should he be convinced of the operation of unconscious mental mechanisms, his immediate concern will be to establish, in, for example, the case of suicide, ' unconscious constants ' of depressive reaction which, acting in conjunction with other more variable and often developmental factors, give rise to the risk of suicide in certain groups, not in society as a whole. His next concern will be to establish what proportion of the population suffers from pathological depression, what proportion harbours larval depression and what proportion is, *caeteris paribus*, non-depressive. And he is prepared to follow the same approach in the case of other psycho-social constants, whether they be psychotic, psycho-neurotic or delinquent, provided they constitute a specific group of disordered mental functions.

Here he will encounter peculiar obstacles. Although it is not difficult to diagnose and isolate pathological groups, and thereby to measure the constancy of unconscious mechanisms in these groups, no satisfactory method has so far been established to measure accurately the size of the larval groups. Methods of psychiatric diagnosis vary widely not only in practice but in principle. Moreover should the psychiatrist have the temerity to attempt to establish constants common to antithetical types; for example, to correlate ' compulsive crimes ' with ' compulsive (obsessional) psycho-neuroses ', his margin of error will promptly increase tenfold. For he will find that there is no precise definition either of a ' neurosis ' or for the matter of that of ' crime '. He will find that whereas many writers fail to distinguish between a ' neurosis ' and a ' neurotic character ', others write of a vague entity which they label ' neuroticism ', a clinical concept that is neither fish, flesh nor good red herring. Failing a solution of these problems in definition, the student will in all probability content himself by searching for constants within the terms of his own definition and within the limits of his personal observation. More than any other circumstance this retreat is responsible for most of the lacunæ existing in individual psychology, and for the too-wide gulf that lies between individual psychology and sociology. The task of theoreticians on both sides is to bridge this gulf with serviceable definitions.

CRIMINOLOGY AND PENAL REFORM IN FRANCE [1]

By JEAN PINATEL (PARIS)

The general features of the French penal system were clearly established by the end of the nineteenth century. At that time it was conceived in terms of three main objectives:

(*a*) prevention by the institution of *sursis* or conditional sentence (Loi Bérenger of March 26, 1891);

(*b*) reformation by the institution of conditional discharge (Law of August 14, 1885);

(*c*) elimination of serious offenders and recidivists by transportation to the colonies (Laws of May 30, 1854) on hard labour (*travaux forcés*), and of May 27, 1885, on preventive detention (*relégation*).

Although this was clearly a coherent system, it is nevertheless a fact that the objectives of reformation and social reinstatement have never been attained in France. The objectives of prevention and elimination were, on the other hand, fully attained until the day when the Order in Council of June 17, 1938, and the Law of July 6, 1942, by abolishing transportation, undermined the very foundation of the system. Such was the state of affairs when, at the end of hostilities, the problem of penal reform in France had to be faced in its full extent. Reforms were carried out in three stages:

(1) Initial period of impetus and conception (1944–45).

(2) Intermediate period of experiment and achievement (1945–50).

(3) Present period of practical organization (from 1950 on).

I. INITIAL PERIOD OF CONCEPTION (1944–45)

This period (1944–45) is dominated by the personality of M. Paul Amor, Director of Penal Administration, later Director of the Section of Social Defence of U.N.O. Thanks to his efforts a decree was passed on December 9, 1944, to form a commission for the purpose of studying and elaborating reforms concerning penal administration and submitting them to the Minister of Justice.

This commission, under the chairmanship of the President of the French Bar, M. Charpentier, consisted of a limited number of members, *viz.* M. M. Patin, Director of Criminal Affairs and Reprieve; M. Amor, Director of Penal Administration; M. Coste-Floret, Assistant Director of the Office of the Minister of Justice; M. Pinatel, Inspector of the Administration;

[1] Translation by Gerta Balg.

M. Hugueney, Professor of Law; M. Tanon, Professor of Medicine; M. Mathieu, Deputy Attorney-General; General Gespereau, Chairman of the Societies of Saint Vincent de Paul; M. Dolfus, Vice-President of the Prisoners' Aid Society. The Secretary of the Commission was at first M. Balauge, then M. Cannat, both magistrates in the Ministry of Justice.

At the very first meeting the President, M. Charpentier, raised the preliminary question: 'Should we begin with structural reforms or with urgent reforms?' It was decided to take a broad view and do both simultaneously. The general plan adopted was to consist of three stages: (*a*) agreement on a comprehensive scheme of penal policy to be put into operation as soon as circumstances would permit; (*b*) promulgation of a penitentiary code giving legal force to the decisions taken; (*c*) progressive establishment of suitable institutions in penitentiary regions.

The further work of the Commission was devoted to the drafting of principles of penitentiary policy. An appraisal of the final draft will be found below after a brief historical account of the work done by the Commission.

A. Account of the Work Done by the Commission

The text proposed by M. Amor, Director of Penal Administration, and submitted by M. Cannat, Secretary of the Commission, contained a large number of points which were immediately and unanimously approved, *e.g.* abolition of transportation, affirmation of humanitarian, educational and reformative principles, the place of the cellular system in relation to preventive and short-term detention, the need for selection and for medico-psychological and social services, adoption of a progressive system for long-term sentences, discharged prisoners' aid, training of staff and finally organization of measures of security for prisoners sentenced to preventive detention (*relégation*).

By general agreement certain points were redrafted in more precise terms, *e.g.* it was decided to amplify Article 1 which suggested that the penalty of loss of liberty aimed exclusively at reformation and social rehabilitation, whereas, apart from these essential aims, certain forms of this penalty pursue other objects as well (neutralization, making an example, deterrence). Article 4 was likewise recast: an amendment was added recommending legal protection in case of injury suffered in the course of prison labour, while a reference to disciplinary restriction was deleted. Lastly, Article 2 was amended to the effect that conditional discharge could only apply to temporary penalties.

All this presented no difficulties. Controversy began, however, in connection with Article 5, which advocated the principle of uniformity of all penalties entailing loss of liberty.

This article read as follows:

' It would be desirable to combine in one single penalty, expressed by a new term, all sentences of temporary hard labour (*travaux forcés*), imprisonment for crime (*réclusion*) and imprisonment for misdemeanour (*emprisonnement correctionnel*). (Life sentences, imprisonment from 6 days to 20 years and police detention to be classified as penalties for infringement of the Common Law.) '

This article aroused keen opposition, in particular on the part of M. Coste-Floret and myself, based on: (*a*) the fear that adoption of the proposed text might profoundly alter the system of the penal Code; (*b*) the desire not to give the impression of reducing the importance of the severest penalties, in particular hard labour; (*c*) the wish to leave the determination of sentence in the hands of the court.

In reply to the first criticism M. Amor submitted the following new draft of Article 5: ' Sentences of hard labour (*travaux forcés*), imprisonment for crime (*réclusion*) and imprisonment for misdemeanour (*emprisonnement correctionnel*) of more than 1 year shall be served in the same establishments.'

This new version caused us to draw up a report which stressed the following:

' From a scientific point of view the ideal would undoubtedly be to classify sentenced offenders regardless of the juridical nature of the offence. On the other hand it has by no means been established that generally speaking the juridical distinction between criminals and minor offenders is lacking in reality as seen from a criminological angle. Indeed it is among persons sentenced for serious criminal offences that we find offenders who commit crimes only when the opportunity arises. On the other hand, we find among those sentenced to long-term corrective penalties habitual delinquents or " old lags ".'

As the majority of the Commission shared our point of view, Article 5 was deleted. In compensation M. Amor obtained acceptance of a new Article 9 sanctioning the intervention of magistrates in penal matters. This Article, in a slightly diluted form, was unanimously passed.

B. The Adopted Text

The version finally adopted was as follows:

(1) The penalty of loss of liberty aims essentially at the offender's reformation and social rehabilitation.

(2) Enforcement of the penalty applies in Metropolitan France or in Algeria, to all persons sentenced by Continental, Corsican and Algerian courts for offences under the Common Law.

(3) The treatment of prisoners, secure from any corrupting promiscuity,

should be humane, free from petty vexations, and aim chiefly at his general and vocational instruction and his rehabilitation.

(4) Every person sentenced under the Common Law is compelled to work and enjoys legal protection in case of injury suffered while performing prison labour. No one can be compelled to remain unoccupied.

(5) Detention before trial (*emprisonnement préventif*) should be spent in solitary confinement by day and night.

(6) The same applies in principle to simple imprisonment (*emprisonnement pénal*) up to one year.

(7) The allocation to penal establishments of offenders under sentence of more than one year's imprisonment is determined by their sex, character and degree of depravity.

(8) A progressive régime is applied in all these establishments in order to adapt the prisoner's treatment to his attitude and degree of improvement. Stages range from solitary confinement to semi-liberty.

(9) In all penal institutions where sentences of more than one year's loss of liberty are served for infringements of the Common Law, a magistrate, solely responsible for the execution of these sentences, shall alone have authority to order transfer of a prisoner to a different type of institution to determine successive stages of the progressive régime and to refer appeals for conditional discharge to the Committee instituted by the decree of February 16, 1888.

(10) Every penal institution shall have a social and medico-psychological service.

(11) The benefit of conditional discharge applies to all temporary sentences.

(12) Aid is given to prisoners during and after detention in order to facilitate their social rehabilitation.

(13) Every member of the prison staff should complete courses at special training centres.

(14) Preventive detention (*relégation*) may be replaced by security internment in a penal settlement. Such internment is in principle for life; a convict may, however, benefit from discharge on licence.

C. Value of the Adopted Principles of Penal Policy

How should the basic principles thus defined be appraised in the light of recent criminological and penological findings?

The main objection that could be raised is that they bear the mark of timidity which appears particularly in the rejection of the proposed uniformity of penalties entailing loss of liberty. This opposition is often attributed to a conservative spirit, associated with antiquated ideas of repression and

hard to reconcile with the progress of criminological science. This criticism finds weighty support in the resolutions passed by the 1950 Congress of Paris concerning '*l'état dangereux*'. These lead to the conclusion that 'the offence should be considered as a symptom of the dangerous state of the offender', and that penal sanction should be in accordance with 'the findings of sciences dealing with Man'. And yet, if one examines the question more closely, one finds that these views, advanced long ago by the Italian Positivist School, have become largely out-of-date. There does, indeed, exist a problem of capital importance in criminology which has hardly been studied as yet, namely the relationship between the offence and the personality of the offender. It has been clearly formulated by M. Erwin Frey in the words: 'The person who commits a criminal act and the act itself form one dynamic entity' and 'conclusions can be drawn both from the offender as to the nature of the offence and *vice versa*'. As long as this law of the dynamic unity of offender and offence is not authoritatively discarded it will be difficult to accept unreservedly the principle of unifying all sentences entailing loss of liberty under one heading.

Once this essential objection is dismissed, the principles adopted may be said to express in sufficiently concrete form the majority of traditional teachings of penal science. Undoubtedly the reference to a progressive system (No. 8) might nowadays give rise to discussion, or the intervention of a magistrate in the execution of sentences (No. 9) prove to be controversial. Taken as a whole, however, it might be said that these principles follow the lines laid down by the International Penal and Prison Commission in Berne. It is particularly gratifying that the establishment of a social and medico-psychological service should be provided for every penal institution. But here again the reform lacks boldness, and the Commission might, following the Belgian example, have put in a strong plea for the adoption of a wide law of social defence for delinquents suffering from mental abnormality.

Notwithstanding the above reservations, these principles may be considered acceptable to penal science. It must, however, not be forgotten that, whereas half a century ago they would have been thought revolutionary, these principles appear nowadays, if not entirely outworn, in any case somewhat out-of-date. Criticism of a penal system, evolved in the past by the Positivist School, is nowadays gathering renewed force and volume. On the strength of the work done by the Second International Congress of Criminology it cannot be disputed that prison is a criminogenic factor and that, in the light of the new criminology, measures of treatment at large which are merely freedom-restricting are called upon to replace measures entailing a loss of liberty. It must be frankly admitted that this trend, indeed this whole movement, was originally ignored in French prison reform.

All its promoters, without exception, including myself, believed in the possibility of improvement and social reinstatement through imprisonment, to which they assigned a predominant position in the penal system. In the end, however, these generous illusions proved of some use since they led to action.

II. INTERMEDIATE PERIOD OF EXPERIMENT AND ACHIEVEMENT (1945–50)

Action up to that time was all the more difficult as it had to be performed under exceptional circumstances. 'I entered a building', writes M. Amor, 'where war and German occupation had wrought destruction and ruin: bombardment, neglect of maintenance and repair had caused a disastrous situation. Absence of every kind of equipment: few or no beds, mattresses, sheets, blankets, an extremely dilapidated cloakroom, sanitary installations unserviceable for lack of repair, a staff inadequate in every respect. Meanwhile mass-arrests of collaborators were in progress, and the prison population showed a steady increase. Courts were beginning to function and the number of prisoners which in 1939 totalled 17,000 was rapidly rising until it reached 70,000.'

These facts must be kept in mind when we describe and appreciate the achievements and experiments carried out successfully during the following years (1945–50).

A. Prison Reform Carried into Effect

In order to measure the success—I was going to say the miracle—accomplished in five years by M. Amor and his successor M. Germain, no better way could be found than to go back to the fourteen principles formulated by the Commission on Prison Reform and to sum up what has been done for each.

(1) To bring about the reform and social rehabilitation of prisoners a body of education officers has been created and their status determined by a decree of July 21, 1949. At the beginning of 1950 there existed twenty-three such officers, men and women, employed in long-term prisons, and soon afterwards seventeen new posts were put up for competition. In short-term prisons an appeal was made to enlist prison visitors. From 100 in 1945 their number increased to 1,000 by 1950.

(2) Abolition of transportation has led to the closing of the penal colony in Guiana.

(3) Humanitarian efforts have been sustained, *e.g.* women nurses can be found in nearly every establishment, the office of '*prévôt*' (prefect) has been abolished, smoking is allowed, the penalty of cellular seclusion has be-

come less severe, recreation on Sundays has been organized, talking is allowed during walks. Even a system of short leave has been established, and cropped hair and single-file exercise abolished. Achievements in general education have been modest; on the other hand, trade apprenticeship has developed on a large scale and prisoners have successfully applied for certificates in skilled trades. Lastly, the task of reforming prisoners is pursued by almoners and chaplains, the development of libraries and reading, organization of leisure (lectures, concerts, film shows) and sometimes physical training.

(4) Despite economic difficulties, the majority of prisoners serving long-term sentences have been put to work, but not yet those in short-term prisons. Legal protection for prisoners in case of injuries suffered during prison labour has resulted from the Law of October 30, 1946, and the Decree of December 10, 1949.

(5) The cellular system provided for preventive detention is strictly applied only in a limited number of institutions (Soissons, Vitré, Laval, Saint-Gaudens, Evreux, Lisieux, Bourges). Administration has encountered two obstacles: (*a*) only one-third of all French gaols are constructed on the Pennsylvanian pattern; (*b*) despite a considerable decrease the prison population is still relatively large (22,855 persons detained in remand and short-term prisons (*maisons d'arrêt*) in 1950 as against 14,429 in 1939).

(6) The same observations can be made with regard to short-term corrective detention served in the same buildings as preventive detention. It must be mentioned that short-term prisons, which before the Liberation belonged to the regional departments, are now nearly all State-owned. The State, therefore, has to do almost everything at once.

(7) Classification of prisoners has been carried out both on the basis of the general plan and within the framework of each institution. The following criteria have been applied to classification within the general plan: certain institutions are reserved for detained collaborators; delinquents aged from eighteen to twenty-five years are sent to the prison-schools, males to Oermingen, females to Doullens; tubercular cases are sent to the sanatorium at Liancourt (lungs) or to Saint-Martin de Ré (bones); serious cases of illness are treated in the hospital at Fresnes (medicine and general surgery); military prisoners are detained at Caen, Toulouse and Gannat, the Germans at Loos; first offenders sentenced to penal servitude are sent to Mulhouse and Melun, men recidivists to Ensisheim, women to Haguenau.

Within individual institutions classification of prisoners takes place in the different sections on the basis of cell observation of variable length. Prisoners of these different sections never meet, not even in workshops. It is different, however, in prison-schools on account of the need for vocational training.

(8) The progressive régime has been fully developed only in the central institution at Haguenau. Its main feature is admission to a section enjoying greater confidence and certain privileges: unlocked individual rooms, the right to talk and meet in personal rooms until lights go out, a special uniform, appointment to the more coveted posts in the general service, Sunday walks within a prescribed radius outside the prison. The same system prevails in the Oermingen prison-school to which has recently been added employment in semi-liberty at Nancy. In central institutions reserved for convicts one has to distinguish the cellular stage (one year), the Auburn stage, the stage of improvement when prisoners live in a kind of home, and the stage of outside work.

(9) Magistrates have been attached to Haguenau (a district judge), Mulhouse (a deputy judge), Ensisheim (a judge), Oermingen (an examining magistrate), Loos (a vice-president), Melun (a president). They are the authorities actually responsible for the treatment of prisoners.

(10) Social services exist in 177 out of 249 prisons, and psychiatric departments have been opened in Paris (La Roquette and Fresnes) and in the provinces (Rennes, Loos, Toulouse, Saint-Gaudens, Soissons, Evreux, Bourges, Lisieux, Marseille and Lyons). An institution for psychopathic cases has been opened at Château-Thierry.

(11) The extension of conditional discharge to all offenders serving periods of imprisonment had not yet been sanctioned in 1950 but came into force with the amnesty law of January 5, 1951.

(12) Some 3,000 persons (*délégués*) have been recruited as members of after-care committees whose main responsibility is the opening of an increasing number of reception centres for discharged prisoners (Paris, Lille, Le Mans, Toulouse, Bordeaux, Carcassonne).

(13) The need for a trained prison staff led to the opening, in 1945, of a school connected with the prisons at Fresnes; a little later a study centre was established for higher officials. Appointments for the post of deputy director are now open to competition.

(14) The problem of offenders kept in preventive detention (*relégation*) has not been solved, nor has the establishment of a penal colony at Saint-Martin de Ré been a success. An observation and selection centre has however been founded at Loos, whence convicts are sent to closed institutions. Conditional discharge, occasionally granted, has often had to be cancelled.

B. Value of these Experiments and Achievements

Such are, objectively reviewed, the creditable attempts made by the French penal authorities in the midst of countless difficulties. After five

years of experiment and achievement it is only fair to pay tribute to their stubborn perseverance, in spite of the fact that the means at their disposal are in no way adequate to their aims, either in the matter of buildings, or staff, or finances. And, even more serious than these practical obstacles. is a failure to co-ordinate some of the principles which makes itself felt in the discrepancy between individualization of treatment and the demands made by truly educative penal work. The weak points of cell observation and the artificial nature of the progressive régime are too familiar to need emphasis.

In short, it must be admitted that penal reform, despite all its good intentions, has proved to be a somewhat primitive remedy. The truth is that the idea of moral rehabilitation by detention has no foundation outside a definite religious context, and that the prison system, in a somewhat paradoxical fashion, by claiming to be a moralising force exhausts itself in attempts to remedy the crime-producing factors inherent in its nature.

Social reinstatement of a delinquent can only be achieved when put to the test of life, that is, in touch with society. For this reason the old moralizing conception of reformation must be replaced by the utilitarian idea of social rehabilitation. That is the road the French penal administration has chosen to follow.

III. THE PRESENT STAGE OF ORGANIZATION ON A RATIONAL BASIS (1950 AND AFTER)

This period is greatly influenced by the scientific findings of the Second International Congress of Criminology and actively supported by M. Ch. Germain. The following practical resolutions were passed on that occasion:

(*a*) It has been established that it is no longer possible to maintain exclusively the system of short-term sentences when other measures, notably that of non-institutional treatment, can successfully supplement them.

(*b*) There is every reason for examining the possibility of adopting systems of pre-liberty and of semi-liberty in the penal régime.

(*c*) Observation of the prisoner is the keystone of his restoration to society.

It will be seen that these resolutions are beginning to take practical shape in France.

A. Non-institutional Treatment

As a result of investigations undertaken by the Societé Générale des Prisons on the initiative of M. Amor since May, 1950, a memorandum on the introduction of the probation system in France was submitted by

the writer as *rapporteur* for the budget of the penal administration to the Comité National des Economies. The text ran as follows:

Article 1. If the accused has not been previously convicted of a criminal offence or sentenced to more than three months' imprisonment, the courts and tribunals may, while effecting immediate payment of fines, damages and restitutions, suspend decision of the main sentence and prescribe a measure of supervised liberty on probation. The duration of this measure must, on no account, exceed five years.

Article 2. A probation order, which grants the benefit of supervised liberty, requires the offender to be placed under the supervision of a probation officer and to observe the conditions imposed by the sentence or order. In case of failure to observe these conditions, jurisdiction is referred back to the court upon the public prosecutor's request. The court may modify the requirements or bring the probation to an end. In the latter case a prison sentence as for the original offence is imposed.

Article 3. Faithful observance of the probation order leads to unconditional and final discharge.

Article 4. A rule of public administration shall determine the conditions under which this law is to be applied, particularly with regard to the status of probation officers.

This memorandum has so far been included *in toto* by M. Petit, Inspector-General of Administration, in his general report on penal administration made to the Central Committee of Enquiry on costs and returns of public services.

A sub-commission has been appointed under the auspices of the Conseil Supérieur de l'Administration Pénitentiaire, to submit a definite scheme to the Minister of Justice. Besides, it is well known that, at the Twelfth International Penal and Penitentiary Congress at The Hague, M. P. Cannat suggested suppression of all short-term sentences. Incidentally, this expert brought up the question again before the Société Générale des Prisons, where his initiative was warmly supported by M. P. Bouzat, Dean of the Law Faculty of the University of Rennes.

B. Pre-liberty and Semi-liberty

Based on this sequence of ideas a great reform was given effect in the law passed on January 5, 1951, extending the benefit of conditional release to offenders sentenced to hard labour (*travaux forcés*) under the Common Law. This reform was based on Article 1 of a decree passed on January 11, 1951, which stipulated that 'pronouncements concerning the reformation of men sentenced to hard labour under the Common Law . . . are to be based on documentary evidence supplied by those charged with their

observation and on the satisfactory conduct of such prisoners during a minimum term of three months of semi-liberty. This régime entails employment outside the prison, without official supervision in day-time, and residence in the establishment at night as well as on non-working days and days of unemployment.'

This reform represents an important innovation in penal practice. It shows how far the idea of social rehabilitation dominates that of reformation, since the latter is assessed in the light of the former. This illustrates the spirit of expediency and organization on which the present achievements of the French prison administration are based.

C. Observation and Social Rehabilitation

With the same object in view an observation and selection centre was opened at Fresnes in 1950. All offenders sentenced to terms of more than two years are sent there for a period of six weeks to be examined as to their physical and mental state and their intellectual and manual abilities (psychotechnical observation). From now on they will be sent to institutions where they will find occupation suitable to their interests and aptitudes. The great principle of occupational therapy, as valid now as in the days of Howard, has thus been reinstated in the present French penal system and confirmed by the law of December 30, 1950, which established industrial control in penal institutions.

Criminology has proved beyond doubt that a stable professional and home life forms the essential condition of social adaptation. Separation from the home, caused by detention in prison, will be compensated if the delinquent has at least the chance of practising a steady, remunerative trade. This undeniable positive factor outweighs all the best intentions in the world.

It is highly gratifying that schemes are being evolved with a view to facilitating the delinquent's restoration to society. One of them will fundamentally reform the institution of conditional discharge and change it into a genuine measure of social aid. Furthermore the rule prohibiting residence in a given place, hitherto an obstacle to social rehabilitation, will be profoundly modified.

Thus in every sphere reforms and projects are being evolved under the sway of a realistic purpose.

CONCLUSION

This rapid survey shows how swift and important are the changes in the French penal system. A considerable effort is being made in France to raise it to the level required by the findings of modern criminology. This

gives proof of a national desire to be worthy of the honour conferred on France by making her the headquarters of the International Society of Criminology and also to bring to an end all divergence between theory and practice, between thought and action.

Already the features of a new system appear in the extension of preventive measures by the juxtaposition of suspended sentence and probation and by the development of measures aiming at social rehabilitation. Soon a crowning effort will have to be made in the form of a Law of Social Defence. Our system will then be once more perfectly balanced, and we shall have no cause to regret the crumbling of old ideas or that they have been swept away by the eddies of a tragic and tormented age.

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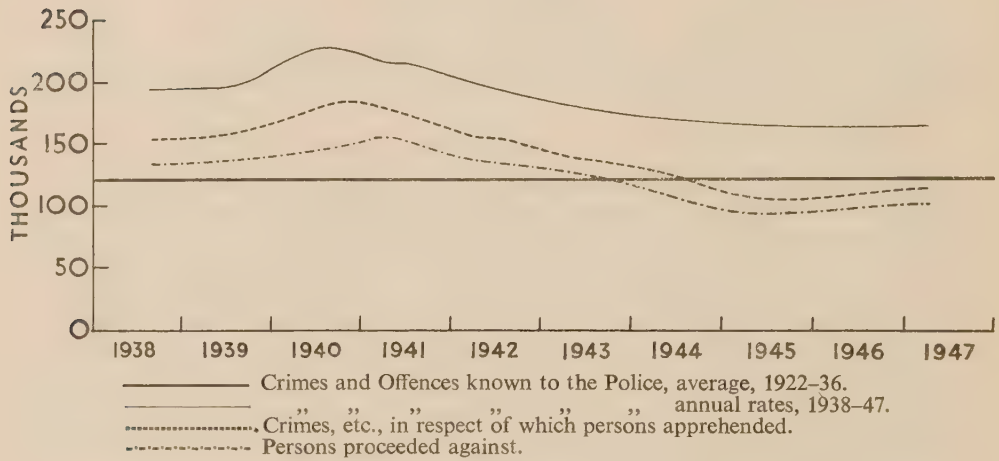
THE CONSTANCY OF CRIME

By J. M. VAN BEMMELEN (LEIDEN) [1]

One of the first observations made by Quetelet [2] when studying French criminal statistics for the years 1826–30 was what he called the *constancy of crime*. Since then the concept of constancy of crime has given rise to disagreement between criminologists. But although it must be admitted that important fluctuations do occur, I still think that Quetelet's assertions hold good, *viz.* that there is '*une constance telle qu'il serait impossible de la méconnaître*', and that crime is like '*un budget qu'on paye avec une régularité effroyante*'. This becomes quite clear when we look for a moment at the Scottish, Dutch and English figures.[3]

SCOTTISH STATISTICS



Now this means that each year in Scotland some 300 crimes and offences per 10,000 of the population were known to the police, and that there were per 10,000 of the population some 200 persons against whom there was a charge.[4] About 36 of these 200 were on account of crimes.

DUTCH STATISTICS

It is interesting to compare these with the Dutch and English figures. If we eliminate the rise during World War I and the rise during and since World War II, we see that in Holland every year 20 to 30 persons per 10,000

[1] Author's translation from J. M. Van Bemmelen, 'Criminologie, Leerboek der Misdaadkunde', Second Edition, 1948 (Zwolle: N. V. Tjeenk Willink).
[2] A. Quetelet, 'Physique Sociale', 1835.
[3] 'Criminal Statistics, Scotland, 1947' (Edinburgh, 1949), p. 6.
[4] 'Criminal Statistics, Scotland, 1949' (Edinburgh, 1950), Table 7, p. 30.

of population were convicted of crimes and offences tried by courts (*Rechtbanken*).[5] Since 1940 there naturally has been a great rise.

TABLE I. NUMBER OF PERSONS CONVICTED BY COURTS (RECHTBANKEN) IN THE NETHERLANDS PER 10,000 OF POPULATION

Years	*Total*	*Crimes and Offences Against the Dutch Penal Code*	*Offences Against Bye-laws*
1939	23·7	22·4	1·3
1940	24·8	19·9	4·9
1941	46·9	25·5	21·4
1942	62·5	37·7	24·8
1943	58·6	38·3	20·3
1946	50·8	34·2	16·6
1947	56·3	33·5	22·8

These figures make it clear that the rise in criminality during World War II was due mainly to offences against bye-laws. We may anticipate with confidence that when times become normal criminality in the Netherlands will fall again to the level of 20–30 per 10,000.

ENGLISH STATISTICS

The numbers of adults and adolescents found guilty of indictable offences by all Courts in England and Wales during the years 1910 to 1948, together with the rate per 10,000 of the population,[6] are on much the same level as those in Holland.

Criminality in England and Wales showed the same constancy as in Holland, and if we may compare the indictable offences to the offences for which in Holland the *Rechtbanken* convicted (common crimes like murder, homicide, ill-treatment, crimes against persons and property, with or without violence, etc.), then England and Holland did not differ so very much from each other before and after the war; though it is clear that the German occupation had an extremely adverse influence on Dutch criminality, one which was felt even after the war. Nevertheless, in England, too, the numbers are still rising after the war.

All this does not mean that the Scottish figures are ten times as high as the English ones. ' All crimes and offences ' in Scotland include categories of punishable offence different from ' all indictable crimes ' in England.

[5] ' Dutch Criminal Statistics, 1929 ', p. 7, and ' Dutch Criminal Statistics, 1940 ', p. 10. Edited in Dutch by the Centraal Bureau voor de Criminele Statistiek.

[6] ' Criminal Statistics, England and Wales, 1948 ', Appendix III (B), p. xxv.

TABLE IA

Year	*Estimated Population*	*Number of Persons Found Guilty of all Indictable Offences*	*Number per 10,000 of Population*
Aged 16 and over			
1910		47,366	19·75
1912	24,349,654	46,034	18·90
1913		42,800	17·61
1921	26,666,500	43,102	16·16
1929	29,174,160	42,171	14·45
1933	30,206,300	48,248	15·93
Aged 17 and over			
1934	29,880,700	45,196	15·12
1935	30,039,000	44,306	14·75
1939	31,784,600	47,223	14·9
1940	31,902,000	47,711	15·0
1941	31,953,000	64,289	20·1
1942	32,147,000	68,928	21·4
1943	32,248,000	66,501	20·6
1944	32,773,000	66,344	20·4
1945	32,578,000	72,758	22·3
1946	32,831,000	70,721	21·5
1947	32,964,000	79,978	24·26
1948	33,060,000	84,950	25·7

Ervin Hacker [7] has compared criminal statistics throughout the world, but up till now, with Codes and Laws differing to such an extent, it is difficult to do this effectively. Nevertheless, criminality attains the same proportions in Denmark as in Holland. In Denmark in the years 1933–37 some 20 to 23 persons per 10,000 population were convicted.[8] In England, in the years 1937 and 1938, of all ' indictable offences ' known to the police, 33 per 10,000 of population were cleared up.[9, 10]

We see that in Scotland in 1949 the number of crimes and offences known to the police was 318 per 10,000, of which 230 were cleared up, and that the number of persons proceeded against was 106,071 (or 208 per 10,000 of population, of whom 44 were charged with crimes and 164 with minor

[7] Ervin Hacker, ' Kriminologische Beiträge ', Vol. 2, 1942, p. 24.
[8] Ervin Hacker, *loc. cit.*, p. 17.
[9] H. Mannheim, ' Social Aspects of Crime in England between the Wars ', p. 43.
[10] In English Criminal Statistics, the term ' cleared up ' has a definite technical meaning. It includes, among other categories, cases where a person has been arrested or summoned for the offence ; or the offence is taken into consideration by the Court ; or the suspect has died or been removed to a Mental Hospital before proceedings were instituted ; or has been cautioned by the Police ; or the guilt of the offender is clear but the prosecutor will not proceed against him, etc. (*Ed.*)

offences). Therefore we are probably entitled to say that crime in Scotland was higher than in England and in Holland. But such comparisons can be made only with the greatest reserve, for from this figure of 208 and of the number of 44 we must exclude about 20 per cent. for 'acquittals' and 'charges withdrawn'. Even then we are not sure that the figures are comparable.

But we are entitled to say that in every country there is a constancy of crime. This constancy shows itself when we study separate groups of persons (*e.g.* children) or particular types of crime.

CONSTANCY OF JUVENILE CRIME

The criminality rate for boys in Holland before World War II was 50 per 10,000 of population of same age; for boys and girls taken together it was around 30 per 10,000.

TABLE II. BOYS CONVICTED IN THE NETHERLANDS PER 10,000 BOYS OF SAME AGE

Age	1939	1947
12 years	27·7	29·3
13 ,,	34·1	40·2
14 ,,	39·1	54·9
15 ,,	50·1	74·4
16 ,,	57·9	92·8
17 ,,	47·1	126·6

These figures, too, do not show great differences from the figures recorded in England. Giles mentions that just before the war of all English children of the age-groups 8–17 some 60 to 100 per 10,000 were convicted.[11] He is quite justified in pointing to the fact that these numbers are relatively small, and that we ought to ask not why these children became criminal, but how it is possible that so many (about 99 per cent.) do not.

It is very interesting to see that after the war in England we get much the same figures as in Holland. Table IIA shows the age distribution of crime for those under 20 for the years 1938 and 1948.

In England, as in Holland, juvenile crime showed a rise of 50–100 per cent. The figures for England were somewhat higher than in Holland, but then we have to take into account that perhaps in Holland more children were taken from their parents by the civil juvenile court. Hence the com-

[11] F. T. Giles, 'The Juvenile Courts' (George Allen and Unwin Ltd., London, 1940).

TABLE IIA [12]

Age-group	*Proportion of Boys Found Guilty of Indictable Offences per* 10,000 *of Population of the Same Age-group*	
	1938	1948
8– 9	36·6	75·5
10–11	81·9	150·3
12–13	121·4	206·1
14–15	114·3	206·4
16	110·0	159·7
17–20	76·7	108·4

parison between all indictable offences in England and the crimes for which boys were convicted in Holland may be somewhat unfair. When we reach the age of 16 we may say that in Holland, as in England, 1 to 2 out of 100 boys are convicted of crime.

The American figures have some resemblance to the Dutch and English statistics. Tappan gives the following table: [13]

TABLE III. CASES DISPOSED OF BY JUVENILE COURTS, 1942

State	*Population Under* 21 *in* 1940	*Delinquent Cases*		*Cases per* 10,000 *of Population Under* 21
		Boys	*Girls*	
Massachusetts .	1,400,519	4,291	617	35
Rhode Island .	239,151	462	75	22
Connecticut .	534,672	3,417	640	76
Ohio . .	2,025,255	9,588	3,018	62
Indiana . .	1,011,339	3,941	1,142	44
New York .	4,051,847	8,006	1,916	22

Comparing these data with the last Scottish figures no great difference emerges.

Here again we get the impression that Scottish figures are somewhat higher than those in Holland and even than those in America.

The number of crimes known to the police and of crimes cleared up certainly do not give an accurate impression of the extent of crime, in particular of the extent of undetected crime.

[12] Quoted from ' Criminal Statistics, England and Wales, 1948 ', Appendix III (A) p. xxiv.

[13] Paul W. Tappan, ' Juvenile Delinquency ' (McGraw Hill Publ., 1949), p. 46.

TABLE IV. SEX AND AGE OF PERSONS UNDER 21 CONVICTED BY SCOTTISH COURTS, 1949

	Sex and Age			
	8–16		17–20	
	M.	*F.*	*M.*	*F.*
Estimated population of each age-group (thousands) .	326·6	353·6	131·1	152·8
All crimes and offences . .	15,752	862	9,695	821
Per 10,000 of the population of each age-group . . .	434	24	740	54
Crimes only	8,393	556	2,073	269
Per 10,000 of the population .	231	16	158	18
Offences	7,359	306	7,622	552
Per 10,000 of the population .	203	9	581	36

Quetelet boldly asserted that there was probably a constant relation between detected and undetected crime, and that the constancy of crimes and offences known to the police indicates a constancy of *crimes really committed.*[14] There certainly is some foundation for these views. In Holland there is a great constancy in crimes detected by the State police and by the police of county areas. There is a constancy, too, in the percentage of crimes cleared up. In Holland the State police nearly always clears up some 80 per cent. of the cases known to them, the county police some 55 per cent. The difference between these percentages may be attributed to the fact that the county police are much more concerned with minor crimes.

Here again the results are not so very different in other countries. Mannheim [15] gives the following figures:

TABLE V. OFFENCES IN ENGLAND PER 10,000 OF POPULATION

Year	*Indictable Offences Known to the Police*	*Crimes Cleared Up*	*Not Cleared Up*
1937	64·8	31·9	32·9
1938	68·7	33·0	35·7

[14] A. Quetelet, ' Physique Sociale ', I, pp. 7 and 9.
[15] H. Mannheim, ' Social Aspects of Crime in England between the Wars ', p. 43.

The Criminal Statistics, Scotland, show the following picture:

TABLE VI. CRIMES KNOWN TO THE POLICE IN SCOTLAND, 1949

Crimes known to the police	70,646
Per 10,000 of population	138
Percentage cleared up	41·2
Persons proceeded against	22,525
Per 10,000 of population	44

We are entitled to say that in Holland and England about 50 per cent. of all crimes known to the police are cleared up. For Scotland the proportion is 40 per cent.

The proportion of undetected crime and of crimes known to the police but not cleared up are not the same for every sort of crime. Mannheim again gives the following figures:

TABLE VII

	Crimes Known to the Police	*Crimes Cleared Up*
Against the person	7,739	6,784
Against property with violence	49,565	19,399
Against property without violence	219,481	103,601
Forgery and currency offences	1,809	1,686

It becomes clear that crimes against the person and forgeries are more often cleared up than crimes against property, other than forgery.

The Dutch and the English figures tally with the estimates of Wulffen for Germany, who calculated that, of 1,200,000 crimes known to the police, there were 612,338 convictions.[16]

We are entitled to say that about 50 per cent. of all crimes known to the police are cleared up. But we do not know how many crimes and offences remain unknown to the police.

There is a great probability that the numbers of crimes not cleared up are rising. Constant [17] gives the following figures for Belgium:

TABLE VIII. CRIMES AND MISDEMEANOURS IN BELGIUM
(*not cleared up*)

Year		*Year*	
1870	4,230	1906–08	36,122
1871	4,849	1909	37,655
1873	5,235	1938	53,351
1874	5,899	1942	284,185

[16] Quoted by Kurt Meyer, ' Die unbestraften Verbrecher ', 1941.
[17] J. Constant, ' Elements de Criminologie ', 1949, p. 21.

Apart from these figures, in 1938 135,135 cases and in 1942 209,505 cases were shelved.

As I have said, criminologists and sociologists have not agreed and do not yet agree about the constancy of crime. In the second part of the nineteenth century many authors (of whom I would mention especially Drobisch [18] and Rehnisch [19]) have remarked that this constancy is not so startling as Quetelet made out. This was not wholly fair to Quetelet, for already in 1835, in his book 'Sur l'homme', he had recognized that the constancy was to be observed only when circumstances did not change considerably and that, if longer periods were reviewed, there always would be significant fluctuations and deviations. In 1850 and 1867 E. Ducpétiaux [20] and G. von Mayr [21] proved that a rise in the price of victuals had its reactions on economic crime. This, too, was not a serious argument against the constancy of crime. Quetelet himself was quite convinced of the fact that changing circumstances are accompanied by changing criminality. We have a good parallel to this state of affairs in the weight of water which we consider as constant, though changing when temperature changes.

CONSTANCY OF SUICIDE

The constancy factor becomes more clear when we study the numbers of distinct varieties of crime and para-criminal phenomena. Suicide is a good instance.

For France Quetelet gave, for the year 1827, the number of 48 per 1,000,000 of the population.[22] In 1922 and 1925 this figure was much higher: approximately 229.[23] For Belgium Halbwachs gives the numbers in table X (p. 217).

It is easy to establish that from year to year there is a remarkable constancy in the suicide-rate. At the same time we see clearly that during the nineteenth century and the first half of the twentieth there was a gradual rise in this rate. But then, needless to say, circumstances did not remain the same. The question arises: which changes of circumstance were the outstanding causes of this rise in the suicide rate? In my opinion there were different reasons.

(1) The increasing concentration of population in big cities with a consequent increase in loneliness. Suicide is an urban phenomenon.

[18] 'Die Moralische Statistik und die menschliche Willensfreiheit', 1867.

[19] 'Zur Orientierung uber die Untersuchungen und Ergebnisse der Moral-Statistik', *Zeitschrift f. Philosophie und philosophische Kritik*, 1876–77.

[20] E. Ducpétiaux, 'Le pauperisme dans les Flandres', 1850.

[21] G. von Mayr, 'Statistik der gerichtlichen Polizei im Königreich Bayern und in einigen anderen Ländern', 1867.

[22] Quetelet, 'Sur l'homme', II, p. 147.

[23] Halbwachs, 'Les causes du suicide', p. 92.

TABLE IX. JUDICIALLY REGISTERED SUICIDES IN THE NETHERLANDS, 1920–47 [24]

Year	*Total Number*	*Per* 1,000,000 *of Population*
1920	579	85·2
1921	524	75·7
1922	533	75·8
1923	517	72·3
1924	545	75·0
1925	537	72·9
1926	566	75·8
1927	585	77·2
1928	585	76·2
1929	552	70·9
1930	637	80·7
1931	693	86·6
1932	713	87·8
1933	638	78·7
1934	723	86·7
1935	657	77·9
1936	667 (767)	78·3 (90·1)
1937	637 (749)	74·1 (87·1)
1938	694 (833)	79·9 (95·9)
1939	668 (745)	76·1 (84·8)
1940	1,046	117·7
1941	661	73·7
1942	901	99·6
1943	855	93·9
1944	665	72·5
1945	1,027	110·9
1946	856	90·8
1947	703	73·0

(2) The fact that improvement in the standard of living made personal grievances and sorrows more perceptible, for the suicide rate is always higher when the contrast between the conditions of existence and the individual's own feelings and longings is sharper and more obvious. The suicide rate, for example, is higher in summer than in winter.

(3) The rise in Western Europe in the average lease of life. Suicide increases with old age.

There may be yet other reasons why the changes, occurring during the last century, caused this increase of the suicide rate. But notwithstanding this increase we still may maintain that suicide, like most crimes, shows a marked constancy. It always remains on the level of some 100–200 per 1,000,000.

[24] ' Dutch Criminal Statistics, 1929 ', p. 46; 1940, p. 49; 1947, p. 49. The numbers put in brackets after the year 1936 are the numbers given by the administrative authorities who register the causes of death. The other numbers were given by the public prosecutors. After 1940 only the numbers given by the administration are mentioned.

TABLE X. AVERAGE NUMBER OF SUICIDES IN BELGIUM PER ANNUM PER 1,000,000 OF POPULATION [25]

Period	*Average per Annum*
1846–1855	61
1856–1860	61
1861–1865	46
1866–1870	66
1871–1875	70
1876–1880	94
1881–1885	107
1886–1890	119
1891–1895	129
1896–1900	119
1901–1905	124
1906–1910	142
1911–1913	139
1922–1925	137

CONSTANCY OF THEFT: DUTCH AND SCOTTISH FIGURES COMPARED

TABLE XI. CONVICTIONS FOR SIMPLE THEFT IN THE NETHERLANDS IN THE YEARS 1925–47 [26]

Year	*Total Number*	*Convictions per 100,000 of Population*
1925	3,147	45·3
1926	2,769	39·5
1927	2,871	40·3
1928	2,651	37·2
1929	2,386	32·4
1930	2,418	32·5
1931	2,535	33·5
1932	2,641	34·7
1933	3,035	39·2
1934	3,370	43·6
1935	3,700	47·0
1936	4,206	53·3
1937	4,685	54·5
1938	4,326	49·8
1939	3,859	43·9
1940	4,478	50·4
1941	7,214	80·5
1942	13,154	145·5
1943	13,034	143·2
1944	unknown	
1945	unknown	
1946	11,345	120·4
1947	10,487	108·9

[25] Halbwachs, *loc. cit.* The figures for the years 1914–21 are not mentioned.
[26] Quoted from the ' Dutch Criminal Statistics, 1940 ', p. 12, and 1946–47.

Here, again, comparison with other countries is very difficult. The definition even of such a common crime as simple theft varies in different countries. Nevertheless, the constancy exists everywhere. In Scotland, for example, the total number of crimes against property without violence (theft being the most important of these crimes) are:

TABLE XII. PERSONS PROCEEDED AGAINST ON ACCOUNT OF CRIMES AGAINST PROPERTY WITHOUT VIOLENCE IN SCOTLAND [27]

Year	*Absolute Numbers*
Average for five years ended 1917	13,669
Average for five years ended 1939	12,186
1942	15,630
1943	14,386
1944	13,846
1945	14,328
1946	13,293
1947	13,458
1948	14,303
1949	12,720

This Table 1 of 'Criminal Statistics, Scotland' does not give the relative numbers, but it is easy to calculate them when we look up Table 8 of this same publication; there we find the number of persons against whom charge was proved in all courts. We find that the total number of all crimes against property without violence is 11,674. This means it is about 270 per 100,000 of population. Of these 11,674 (or 2·7 per 1,000) against whom the charge for crimes against property without violence was proved, there were 9,998 against whom a charge for theft was proved.

Roughly speaking, in Scotland 240 persons per 100,000 population above the age of 8 are convicted yearly for theft. If we take into account that the Dutch figures are based on the whole of the population, and that 16 or 17 per cent. of this population is under the age of 8, then—still very roughly speaking—the Scottish number of 240 per 100,000 does not differ so very much from the Dutch figure for the years after the war, *i.e.* 120 per annum; though here again we are entitled to suppose that the Scottish numbers are somewhat higher than those in Holland.

Such a comparison is very instructive and may teach us that in order to make a real contribution to the comparison of crime-rates in the different

[27] Table 1, 'Criminal Statistics, Scotland, 1949'.

countries the statistical bureaux in the different countries would have to change their technique considerably.

At the same time no one who glances at the Dutch or Scottish figures of theft before or after the war will have much doubt about the constancy of theft over long periods, so long, that is, as circumstances do not change suddenly and considerably, as they did in 1940. In Scotland we see a rise of 25 per cent. In Holland the difference between pre-war conditions and those existing during the German occupation was still more obvious, and caused a rise of 200 per cent.

It is not difficult to find other instances in which the statistics of crime show a certain constancy. Whether we can consider it as a true constancy depends on how great deviations one admits, within the range of constancy. Many authors, including myself, do not regard the deviations as significant enough to rule out the constancy factor. My great compatriot, W. A. Bonger, said in his 'Introduction to Criminology: [28]

'As further data, however, covering longer periods and different countries became available, one began to get some conception of the "movement" of criminality, while still retaining the view that much of it was of a constant nature. The study of these movements became especially important, when it was found possible to relate them to important social changes which occurred during the same periods.'

EXPLANATION OF THE CONSTANCY OF THE CRIME RATE

What explanation can we give for the constancy of the crime rate? Quetelet advanced the following four reasons:

(1) The life of man is governed by the laws of nature in the same way as that of other creatures. Man is born, develops and dies according to the laws of nature, which, up till now,[29] have not been studied either in their contiguity or in their mutual relationship.[30] (When Quetelet speaks of 'man', he does not mean individual man but 'man as a member of a certain group or nation: *l'homme moyen*'.)

(2) In the field of criminality also, man is governed by the laws of nature. These laws emanate from the constitution of any given society. Society contains the germs of all potential crime.[31]

[28] Translated into English by Emil van Loo (Methuen & Co. Ltd., London, 1936), p. 53.

[29] This was at the time of Quetelet (first half of the nineteenth century), but to a great extent it is still true.

[30] A. Quetelet, 'Physique Sociale', I, p. 91.

[31] A. Quetelet, 'Physique Sociale', I, p. 97. This idea of society being the '*Bouillon de la culture*' in which the criminal element is a microbe without any importance of its own is ascribed to A. Lacassagne (1834–1924), but the theory is already to be found in the work of Quetelet.

(3) The meaning of the foregoing thesis is not that every individual is incapable of designing his own life. But the will of every individual is only a disturbing factor in the course of society as a whole. All these disturbing factors neutralize each other if the number of individuals taken into account is high enough. The higher the number of individuals studied, the more individual peculiarities disappear, not only in the field of physical traits but also in that of moral and intellectual qualities, and the more the general factors emerge which are at the root of the existence of society and by which society is maintained.[32]

(4) Some people with great gifts of intellect and character are able to change and modify the aspect, framework and system of society. Their influence is felt only very slowly.[33]

So far—in my opinion—we may accept Quetelet's reasoning. We may agree that in human society, as elsewhere in nature, the same causes will always have the same effects, even in the moral field, and that therefore similar social situations will cause the same sort of human behaviour or misbehaviour.

The above-mentioned axioms have led many criminologists (in Holland, *e.g.*, W. A. Bonger) to the opinion that, in order to explain crime as a mass phenomenon, it is much more important to study the social and economic causes of crime than to study the psychological constitution of man. Actually Bonger says: '. . . the importance of psychology of the criminal for criminal etiology cannot, in my opinion, be rated highly. It has been the means of proving that certain types of human beings are more readily disposed to committing various sorts of offences than others. This does not prevent the same types of offence occurring also amongst ordinary people; in other words, one is not justified in calling their qualities especially criminal. . . . In the etiology of crime the psychological factor is the constant, and the environment the variable. In accordance with scientific terminology the variable is called the cause. In the same way one speaks of an unhygienic environment—*e.g.* polluted drinking water—as "the cause" of infectious diseases such as cholera; although in that case, too, predisposition is not the same in every person.' [34]

Here, in my opinion, lies a profound misunderstanding. For the explanation of crime as a mass-product it really is of the utmost importance to study the psychological factors. If we are able to prove that certain types of individual show a much greater tendency than others to commit certain

[32] A. Quetelet, ' Physique Sociale ', I, p. 98.
[33] A. Quetelet, ' Physique Sociale ', I, p. 98.
[34] W. A. Bonger, ' An Introduction to Criminology ' (Eng. ed. 1936), p. 152.

crimes (*e.g.* sentimental people a greater tendency to commit murder within the family, hysterical persons a greater tendency to murder by poison, amorphous types a greater tendency to gamble), then we are entitled to say that these facts have an important theoretical and practical bearing on the causation of crime as a mass phenomenon.

They are important theoretically because if we can show that certain types possess a far stronger disposition than others to commit certain crimes, we have explained at the same time why the total number of these crimes shows a tendency to remain the same as long as the circumstances do not change considerably. There would be no possible reason why the section of the population belonging to these psychological types should suddenly increase or decline in number. Neither will there by any sudden change in the degree or rate in which certain psychical qualities, causing a greater tendency to crime in a certain nation or race would, unless in very exceptional and pressing circumstances (war, earthquake, etc.), activate tendencies which in ordinary times are only latent in most people.

Practically, it is of the utmost importance to establish correlations between certain psychological types and a given type of crime, for then perhaps we could render the *milieu* of these types such as would prevent the commission of the kind of crime to which they show a tendency. Following Bonger one may consider these environmental circumstances as the outstanding variables and therefore as *the* cause, but this does not justify the conclusion that criminal psychology is not as important as criminal sociology for the etiology of crime as a mass product. For each type –and to a certain extent each individual man, especially in his early youth—we must create an environment (*milieu*) as well adapted to his needs and qualities as possible. We might put it in this way: as we know for certain that harmony in and integration of a man's personality in itself and in relation to those around him (his parents, associates, etc.) is of the utmost importance for his conduct and behaviour, we must do everything possible to increase this harmony and integration. If we do not, and if we content ourselves by just changing and improving environmental circumstances in general (*e.g.* building better houses, etc.), although we reduce or lessen one criminogenic factor, we are in a fair way to substitute one criminogenic factor for another.

The fact that for a long time we have neglected and underestimated the importance of criminal psychology in the general etiology of crime is due to the circumstances that psychological factors create far more difficulties for the scientific worker and especially the statistician, and that they certainly are far less variable than environmental conditions.

QUETELET'S 'PENCHANT AU CRIME'

The whole misunderstanding that existed in the nineteenth century regarding the primary importance of psychological factors in criminology was due to the enormous influence Quetelet exerted with his rather misleading term: '*penchant au crime*' (criminal tendency). He himself pointed out that this term was only intended to indicate the probability of crimes being committed by people existing in certain large groups, *e.g.* a nation, or the population of a country or town.[35] In the same way he spoke of a '*tendance au mariage*' when he meant the probability of marriage within a certain large enough group.[36] By using these terms he caused considerable confusion. Quetelet himself is conscious of the fact that he is speaking only of an arithmetical probability. But to others these terms really meant a psychical quality, and even Quetelet himself did not avoid altogether this misunderstanding of his own terminology. On p. 249 of his great work 'Physique Sociale' he called the '*penchant au crime*' a 'moral element'. This is misleading, because there is not one distinct quality, not even a group of qualities, which might be described as criminal instincts or tendencies, and which might constitute a '*penchant au crime*'.

Nearly every human quality—even the morally good ones—may cause crime under certain circumstances, *e.g.* our compassion for the sorrows of others. During my practice I have found this to be a frequent cause of perjury. Honesty is perhaps the only quality which seldom contributes directly to crime. On the other hand, there are many bad qualities which may cause crime: *e.g.* jealousy, egoism, love of luxury, addiction to alcohol, avarice, cowardice, likewise all sorts of vital tendencies having no moral tone, love of money, sensual lust, lust for life in general. There is no single '*penchant au crime*'; each psychical quality may in combination with others become a criminogenic factor. Because Quetelet studied more especially the influence of age, sex and climate on the '*penchant au crime*', it just seemed as if the 'constant' psychical qualities might be taken together as one '*penchant au crime*'. Quetelet did not mean it in this way, but he did give occasion for the misunderstanding. Hence many sociologists and criminologists did not give sufficient attention to the psychological explanation of different crimes. If there really were only one '*penchant au crime*', we should not have to trouble ourselves seriously about the psychological factors of crime as a mass product.

Wassermann has proved beyond all doubt that the '*penchant au crime*' never meant to Quetelet anything more than a mathematical quantity, an

[35] A. Quetelet, 'Physique Sociale', II, p. 249.
[36] A. Quetelet, 'Du système social et des lois qui les régissent', 1848, p. 77.

average change; like his '*homme moyen*', the term implied only an average value. The '*penchant au crime*' indicates only the average possibility that within a certain group of people crimes will be committed.[37] It is never a quality of one individual man, it is only something that shows itself in the '*homme moyen*'; it is, like this '*homme moyen*' himself, an average possibility. Within a certain age-group, sex-group, professional group, or community the chance may be greater or less than this average-chance for the '*homme moyen*'. Nevertheless, Quetelet himself has given some ground for this misunderstanding, so much so that, *e.g.* Knapp in his work 'Quetelet als Theoretiker', considered the '*penchant au crime*' a human quality showing itself in each separate man. The '*penchant au crime*' had already in the work of Quetelet himself an 'anthropological connotation'.[38]

THE 'LOI DES CAUSES ACCIDENTELLES' OF QUETELET

In the opinion of Quetelet, the '*penchant au crime*' was subject in each case to the '*loi des causes accidentelles*' (law of individual variations). Quetelet had discovered that 'individual variations in human beings are governed by strict laws'.[39] He explained this in the following way: when one measures the height of a certain person and repeats the measurement several times, each time one will make a little mistake; but if one measures it often enough the average of all these measurements will be the real measure of the person provided, of course, no constant error is made. All the measures may be grouped according to the probability-curve (curve of Gauss). Quetelet's contention was that people varied in all their qualities, *e.g.* their height, round such an average and that this resulted from the law of individual variations. 'This law', Quetelet said, 'gives an endless variety to all creatures in nature, without changing the principles of the framework of their type.' In his opinion every man is a variation of a certain basic type, which is followed by nature; to him it seems that nature has formed types of man, adapted to the country and the circumstances they live in. The deviations of this type are the result of chance, working with the same force on both sides, sometimes making qualities of the type somewhat more prominent or stronger, sometimes less prominent and weaker.[40] These variations are grouped round an average, following the curve of chance (a curve of Gauss).[41] In this way Quetelet built up the '*homme moyen*',

[37] Rudolf Wassermann, 'Die Entwicklungsphasen der kriminalstatistischen Forschung', *Krim. Abh. Heft.*, **5**, 1927, p. 38.
[38] Wassermann, *loc. cit.*, p. 36.
[39] Bonger, 'An Introduction to Criminology' (Eng. ed.), p. 121.
[40] A. Quetelet, 'Du système social', 1848, p. 18. We find a similar idea in the work of Immanuel Kant.
[41] Bonger, 'An Introduction to Criminology', p. 122.

which—as he knew perfectly well—is a fiction. Quetelet said: 'When I speak of an "*homme moyen*" in society I mean something like the centre of gravitation in a physical solid body. He is the average, round which move all social elements. He is, if you like, a fiction, an imaginary creature to whom everything occurs in accordance with the average results obtained by the society in which he lives.' [42]

This average man at the same time is the type of framework on which every man is built. Thus Quetelet explains why men of a certain group always reach a certain height. In the same way Quetelet explains that the chance of becoming a criminal under certain circumstances is always the same.[43] He goes on to say: 'Man is subject to certain deviations from the average in regard to his moral qualities, just as he is in regard to his physical traits, and these fluctuations to which he is subject vary according to the general law of individual variation, which governs all fluctuations, every time a certain phenomenon is caused by chance.' [44]

The '*penchant au crime*', according to Quetelet, is subject to this law of individual variations too. In my opinion, there is a difference between *e.g.* the height of man and his '*penchant au crime*'. Height is a definite quality: the '*penchant au crime*' is not *one* quality but is composed of hundreds of different qualities. But the result is the same. For both are influenced by chance. When we speak of *chance*, three conditions are presupposed: (1) that there are a great many causes for a given phenomenon; (2) that these causes are independent of one another; (3) that each of these causes has only a slight influence. In this way the possibility that a man or that a certain number of men will become criminal is certainly a chance-possibility. There are thousands of motives for crime. There are thousands of occasions for crime. Each of these motives and occasions is more or less independent of the other. And each of these motives has relatively only a weak influence. At the same time all the qualities of man which may lead to crime, his greed, his sexual lust, all his vital instincts and tendencies are distributed round an average along the curve of chance as is the case with his height.

The existence of the law of individual variations of Quetelet has frequently been denied. Wassermann categorically says: '*Es gibt kein derartiges Gesetz*' ('There is no such law'), but for this contention he gives no explicit arguments. Bonger, on the other hand, took precisely the same point of view as Quetelet. Having first described the law of individual variation, he said: 'At last, it becomes clear that we are confronted with a universal

[42] A. Quetelet, 'Loi de croissance', 1831, p. 14.
[43] A. Quetelet, 'Du système social', p. 259.
[44] A. Quetelet, 'Du système social', p. 92.

law of nature, *i.e. all individuals of the same species vary in their elementary qualities according to the law of Quetelet.*'[45] Bonger applies this, as did Quetelet, to the mental as well as to the physical faculties of man. 'Extremes', he says, 'are always rare, while averages preponderate largely. The same applies in the moral world; very superior characters are extremely rare, so are inferior ones.' The constancy of crime he explains as Quetelet did. He says: 'When one considers the problem of criminality as a mass phenomenon—which is the way one should consider it, because that is what it is—then the law of Quetelet also explains why (external conditions being taken as equal) crime runs such a regular course from year to year; the human material, with which society has to work is fairly constant. "*Der Mensch ist ein Dauer typus*" (typologically regarded, man is a constant) to use an anthropological phrase. Indeed, there is not a particle of evidence that, as far as crime is concerned (leaving out of account the question whether this is the case in any other field) selective influences have, in the course of time, wrought any change in the anthropological constitution of man.'

OPPOSITION TO THE THEORY OF QUETELET

Quetelet's theory may be briefly described as follows: every faculty of man (Quetelet thought he had proved it for man's height, chest measurement, etc.) is distributed in accordance with the curve of chance, the so-called curve of Gauss. If one takes a great number of persons (*e.g.* 10,000) and arranges them in accordance with their height so that at one end there is a row of the shortest and at the other end a row of the tallest and in the middle a row of those of average height; if one draws a line or lays a cord behind the backs of the last men of the different rows (each now being composed of men having the same height in inches) this line or cord will show the curve of Gauss. If one could do the same in accordance with the '*penchant au crime*' of 10,000 men, one would find very few persons in the row of those with a strong '*penchant au crime*', very few persons in the row of those with a remote chance of becoming criminal, and in the middle a long row of persons having an average chance.

Now if it were as easy as all this there would be no great difficulty in explaining the constancy of crime and Quetelet's theory would be rather in accordance with the theory of Lombroso. For Quetelet, too, accepts that there are groups of men who are very likely to become criminal. But then, as I have said, there is not *one* '*penchant au crime*' but hundreds of faculties which, if they are too strong or too weak, may lead to crime.

[45] Compare H. de Vries, 'Eenheid in veranderlijkheid' (Unity in Variability), 1898, and his 'Afstammings-en mutatieleer' (Theory of Descent and Mutation), 1907. (Note of Bonger, 'An Introduction to Criminology', p. 122.)

It is for this reason that we are entitled to speak of a chance-occurrence and a chance-distribution of crime among men. But then the outcome is the same: at the one end of a series there will always be a few people who are very likely to become criminals because of excess of different qualities (*e.g.* the weak-minded persons, psychopaths, people with little activity, unemotional or insensitive, with weak reactions or too strong reactions, etc.); at the other end there always are persons of outstanding honesty, intellect and character, who with reasonable certainty will never become criminal; and in the middle there are long rows of people, possessing average qualities and faculties who are averagely adapted to their surroundings. Elsewhere [46] I presented evidence that, probably because of the fact that extremes are more rare in the case of women than in the case of men, women are more than men adapted to society and much less likely to become criminal.

It was the French sociologist Halbwachs who, in his little book ' La théorie de l'homme moyen ', first protested against the law of Quetelet, and denied: (1) that the type of man in society really would be a constant one; especially in the moral field within relatively short periods of time there might be great differences; [47] (2) that the regularity in the number of marriages, suicides and crimes ought to be ascribed to chance.[48]

The first of these objections comes to this: Individual man may be formed after a more or less constant type, especially in his physical aspects, but man in society may be changed by circumstances and, particularly in the field of morals, may alter considerably within a short time.

The second objection is that, especially with regard to the origin of the regularity and constancy of crime, it is not justifiable simply to apply the law of great numbers. Criminogenic factors are not independent of each other but influence each other a great deal.[49] Physically man may be a constant type, socially he isn't at all. On the contrary he evolves with society. In this case the law stating that, if we take a sufficiently great number of persons individual variations will eliminate each other, does not hold good. It is not true that a man's chance of becoming criminal is estimated in accordance with the curve of chance. Neither are the results independent of each other. The regularity and constancy of numbers is not the consequence of the law of individual variations, but on the contrary of the fact that society guides men in a well-defined direction and that this course is arrested by certain resistances.

[46] In my book ' Criminologie ' (2nd ed. in Dutch, 1948, p. 183 f.).
[47] Halbwachs, *loc. cit.*, p. 177.
[48] Halbwachs, *loc. cit.*, p. 145.
[49] Halbwachs, *loc. cit.*, p. 145.

AUTHOR'S EXPLANATION OF THE CONSTANCY OF NUMBERS

In my opinion the contrast between the opinion of Quetelet and that of Halbwachs is not so very great as Halbwachs himself pretends. A combination of both opinions seems to me permissible. On the one hand, the constancy of the phenomena in the field of crime is really due to the fact that man in all his faculties—even in his psychical and moral qualities—is arranged round an average, though we may leave aside whether this will always correspond with the curve of Gauss. On the other hand, constancy is furthered by the fact that in a given society, especially when it exists under stable conditions (*i.e.* not in a situation of war or crisis) there is a striving to certain aims, an exertion in a given direction which is still strengthened by the tendency of man to imitate those around him.

There are three main causes for the constancy of numbers:

(1) The fact, found by Quetelet, that man varies in all his faculties round an average. Each year there is the same number of mental defectives, psychopaths, and other abnormal persons. When we take a sufficiently large sample we always find the same number (not such a very great number) who, because of their deviation from the average, have a much greater chance than others to become criminal. For the others—the average people, the majority of men—there exist all sorts of causes that may make them criminal or prevent them becoming criminal. Since a great number of these causes work independently of each other and since each of them has but small influence, chance is nearly always the same and the occurrence of crime is from year to year determined by chance.

(2) This constancy, caused by chance, is further increased in two ways by the fact that the exigencies and moral precepts of society largely remain the same. The main direction in which society strives does not differ very much from year to year. Moreover, the possibility that people will oppose this general striving does not differ so very much from year to year.

(3) The institutions formed by society for the maintainance of criminal law (police, judges and public prosecutors) do not differ very much in force from year to year. This too contributes, without doubt, to the impression of constancy of numbers. The manpower and working capacity of the police and the judiciary is not unlimited: owing to the fact that there always is a certain amount of undetected crime, increase and decline in undetected crime may pass unnoticed and unregistered. That this last reason is certainly not the most important one, we may deduce from the fact that *e.g.* a phenomenon such as suicide which has the lowest undetected rate, shows a great constancy too. And the same is true of marriage. In the case of marriage—to make a rather bad comparison—one might say that the sexual

relations outside marriage represent the ' undetected rate ' as compared with ' registered ' marriages. Nobody would be inclined to say that the numbers of marriages are as constant as they really are because of the fact that sexual relations outside marriage showed great differences of frequency. In short, I think that Quetelet's law of individual variations largely accounts for the constancy of crime.

Que l'on ne croie pas que les mariages forment la seule série de faits sociaux qui procèdent avec tant de régularité et de constance. J'ai fait voir ailleur qu'il en est de même de crimes, qui se reproduisent annuellement en même nombre et attirent les mêmes peines dans les mêmes proportions. Même constance s'observe dans les suicides, dans les mutilations que se font des individus pour échapper au service militaire, dans les sommes exposées autrefois dans les maisons de jeu de Paris et jusque dans les négligences signalées par l'administration des postes par rapport aux lettres non fermées, manquant d'adresses ou portant des adresses illisibles. Tout se passe, en un mot, comme si ces diverses séries de fait étaient soumises â des causes purement physiques.

Devant un pareil ensemble d'observations, faut il nier le libre arbitre de l'homme? certes je ne le crois pas. Je conçois seulement que l'effet de ce libre arbitre se trouve reserré dans les limites très étroites et joue, dans les phénomènes sociaux, le rôle d'une cause *accidentelle*. Il arrive alors qu'en faisant abstraction des individus et en ne considérant les choses que d'une manière générale, les effets de toutes les causes accidentelles doivent se neutraliser et se détruire mutuellement, de manière à ne laisser prédominer que les véritables causes en vertu desquelles la société existe et se conserve. . . .

La possibilité d'établir une statistique morale et d'en déduire des conséquences utiles, dépend entièrement de ce fait fondamental que *le libre arbitre de l'homme s'efface et demeure sans effet sensible, quand les observations s'tendent sur un grand nombre d'individus.*

Ad. Quételet: ' Du Système Social et des Lois qui le régissent '.
(Paris, 1848, pp. 69–70.)

BOYS' CLUBS AND THEIR SOCIAL PATTERNS

A Study of Small Groups

By E. F. PIERCY (London)

Some three years ago the National Association of Boys' Clubs set up a small Research Department and entrusted to it the study of the wastage in Club membership. It quickly became apparent that much advantage would accrue if the enquiry were extended to all Youth Organizations, and it was therefore a source of much satisfaction when King George's Jubilee Trust decided to make the study of wastage one of the major projects for their Youth Survey and invited the N.A.B.C. to co-operate.

Youth Organizations provide a unique opportunity for research by psychologists and sociologists interested in the adolescent. It is often implied that all Youth Organizations have the same end and their differences are only of method and degree. In so far as structure and function are associated, this view can hardly be justified, since the structure of, for example, a Scout Troop and that of a Boys' Club show substantial differences.

The Club, although it has complexities of its own, has a relatively simple structure; it is essentially natural, it is largely free from the economic factors which operate in adult society, and particularly it is a field of free choice, as distinct from schools, which have provided so much of the data upon which theories of adolescence have been founded. Boys or girls join Clubs of their own free will, they leave because they have been 'rejected' by the Club or they themselves have rejected the Club. The Club therefore has a pattern of its own and, subject to limitations, which will be discussed later, reveals the psychological and sociological factors which operate in a free society. It will, of course, be objected that the Club member is subject to the conditioning of his environment; in some ways his choice is determined as much as the development of the fish studied by Forbes and quoted by Allee (1931) is dictated by the ecology of the pond in which they live. This is not the place to discuss the philosophical concept of freedom, but even if freedom be denied it remains true that the determination to join or not join a particular Club gives an insight into the forces, whether innate, behavioural or environmental, which affect that decision. Similarly, the decision to leave the Club reveals, if adequately studied and analysed, the stresses and strains arising within the Club.

From the study of the Club it is hoped therefore that there will emerge, to use the phraseology of Durkheim (1938), certain 'social facts', which will be a contribution to the sociology of adolescence in general and of

delinquency in particular. The isolation of wastage as the special subject of enquiry was dictated in the first instance by operational necessity; it has happily turned out to be a point of entry into a whole range of Club problems.

Unfortunately there is no methodology which is immediately suitable for the analysis of the Club. The efficient tools of statistics and of individual psychology have their considerable uses in the enquiry, but ultimately the problem is one for sociology, and the lack of adequate techniques in that science is a considerable handicap.

The following account of a tentative study of one part of the Club problem is given in the full realization that the methods used are, from a rigid scientific viewpoint, inadequate and possibly in some instances naïve. The justification for submitting it to an informed public in the pages of a scientific journal is that there is an urgent practical problem demanding solution; the Youth Movement—the Scouts, Brigades and Clubs and the corresponding Girls' Organizations—have an outstanding record of achievement; with many boys and girls their success is unquestioned, but there is a fairly high proportion of boys and girls who do not become members or, if they do join, do not stay long. Many observers believe that these boys and girls are the less intelligent and the emotionally unstable; they are those who are most likely to appear in the Juvenile Court. If this wastage could be checked, the influence of the Juvenile Organizations in the sphere of delinquency would be vastly increased. On the other hand, the oft-repeated statement that a member of a Youth Club seldom appears in a Juvenile Court may mean that the Clubs unconsciously select their members from among the law-abiding.

The first approach to the examination of wastage was the statistical analysis of a substantial sample of London Clubs composed for the most part of boys aged fourteen to eighteen; it is often suggested that boys are more apt to leave at about fifteen and it appeared likely that this might be due to the physiological and psychological changes at puberty. The analysis provided no evidence to support this hypothesis, nor does a subsequent comparison of membership before the raising of the school age and at the present time reveal any change in the ages of joining and of leaving. The most important finding was that the greatest wastage took place during the first six months after joining; on an average about one-third of the new members left within this period, but if a boy was retained for a year the chances of his leaving before he reached the age limit were very substantially reduced.

The next step was an attempt at a qualitative comparison between the boys who left and those who remained in membership. This presented

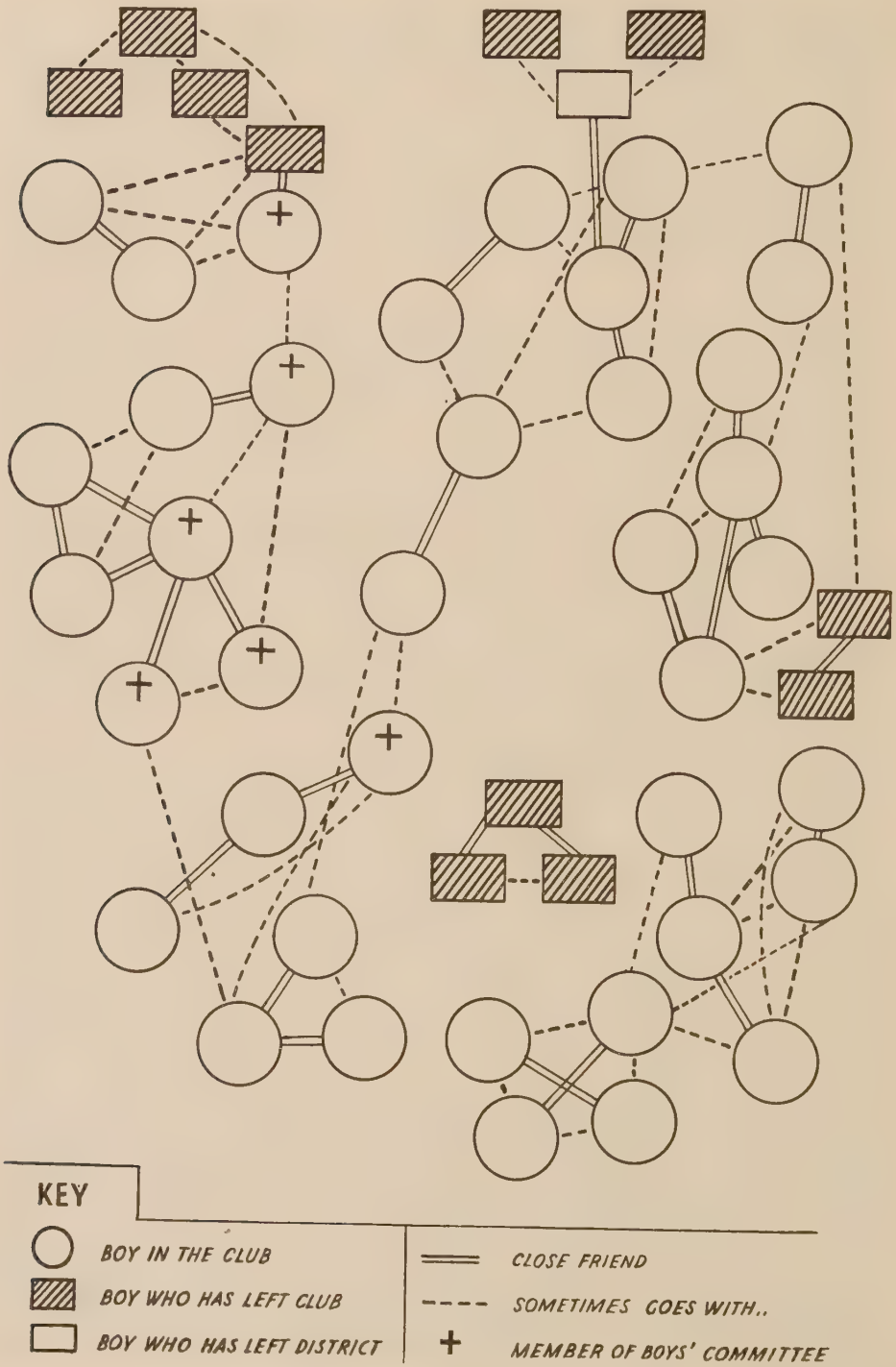
very great difficulties, because information about boys who remained in membership for a short time was necessarily scanty. Moreover, it was impossible to take a random sample since it was only practicable to make the enquiry from Clubs whose leaders kept full records and had the time and interest to participate in the research. It is hoped shortly to begin a much more thorough investigation and to study the hypothesis that the boys who are most likely to leave are the less intelligent, boys with unsatisfactory home background and those in the poorer types of employment.

Both these enquiries showed that the variation in wastage between Clubs was considerable, possibly owing to their different 'patterns'. This is partly determined by the premises and the leadership, but far more important is the influence of the members themselves. If a boy is not accepted into the society of the Club or if he does not himself feel at home there, he will not remain a member. In other words, the pattern of the Club is, other factors being equal, self-determined by the members.

It is submitted that the analysis of the circumstances which lead to non-acceptance is of crucial importance in sociological theory as well as in individual psychology. An inquiry into the incidence of neurosis among factory workers made by Russell Fraser (1947) showed that 'unsatisfactory human relationships outside the factory are associated with a high incidence of neurosis', and it is not unlikely that the symptoms of neurosis may be present in non-acceptance in adolescence.

If it be taken as self-evident that a boy will be more likely to remain a member of a Club if he conforms to its pattern, then it is important, for purposes of analysis and prediction, to find some means of identifying or classifying the various patterns. As Dr. C. M. Fleming (1948) has pointed out in her work on Adolescence, there are many possible patterns according to the phase of Club life to be examined and we cannot predict with certainty which will be significant for wastage. Experienced Club Leaders are of opinion that the primary reason why a boy joins a Club is for friendship, and a good starting point seemed to be to attempt to chart the pattern of friendships in a Club.

The brilliant and original work of Moreno (1934), Kurt Lewin (1935) and the sociometric school gave the obvious line of approach. In particular, Moreno's study of the girls who absconded from a reformatory offered in some ways a parallel to the problem of wastage. By a variety of devices he discovered the relationships of the girls in various situations and plotted these relationships on charts; briefly to sum up Moreno's work, which extended over some years in this one reformatory, it may be said that his charts revealed many unsatisfactory relationships and by modifications in


KEY
BOY IN THE CLUB
BOY WHO HAS LEFT CLUB
BOY WHO HAS LEFT DISTRICT
CLOSE FRIEND
SOMETIMES GOES WITH..
MEMBER OF BOYS' COMMITTEE

the placing of the girls in the various cottage homes he was able very substantially to reduce the number of those who absconded.

The Club presents difficulties of another kind from those which confronted Moreno. The relationships between the boys in the Club situation are less varied than those in a reformatory, and there is not the same possibility of adjusting them. The first chart made of relationships in a Boys' Club is here reproduced. The method of its production was simple; the Club Leader was asked to give factual details of his Club members, *e.g.* position in family, father's occupation, boy's employment, as well as the Leader's judgment of intelligence and certain personality traits; he was further asked to state which boys were close friends and which only occasionally went about together. It may be questioned whether the Club Leader's judgment of friendships is likely to be correct; one alternative would be to question the boy and to this procedure there are obvious objections: some boys would be unwilling to admit that they had no friends and would claim relationships which did not exist and others would possibly lay claim to friendships which would give them prestige. The writer himself believes that the observations of an experienced Club Leader are more likely to provide accurate data than questions addressed to the boys themselves.

Much more elaborate charts have since been made by other methods: this one is reproduced not because of merits in itself but for its simplicity and convenience for printing. Nevertheless, even this very elementary chart and the deductions made from it presented the Club to the Leader in a new light and led to alterations in the running of the Club.

It will be noted that the boys who were not woven into one of the main patterns of the Club relationships left. The chart provides, therefore, a means by which the hypothesis of non-acceptance as a reason for leaving the Club may be tested.

Other charts showed that in the case of Clubs of adolescent boys there was always a basic similarity in the patterns. In every instance the significant feature was the small groups of friends usually consisting of from five to ten. In addition, there were pairs of boys not attached to any group as well as boys who were completely isolated.

The small groups are, it is suggested, fundamental to the Club: it is their existence and their relation one to another which gives the Club something of the character of a community or to use the phrase of Toennies (1940) a miniature '*Gemeinschaft*'. In adolescent societies the small groups usually consist of two or more pairs or trios of close friends linked more or less closely to one another.

Given that small groups are basic to the Club, it becomes important to

discover what are the factors which contribute to their formation or, to put it another way, what, if any, are the characteristics common to the members of the group. Moreno (1941) and his followers have postulated a factor to which the name of ' Tele ' has been given; it is described as follows:

' The trend towards mutuality of attraction and repulsion many times surpasses chance possibility. The factor responsible for this effect is called " Tele ".'

The study of Clubs supports the view, if it needed support, that attraction is not a mere matter of chance, but if we do no more than drag in a mystic and unidentifiable ' tele ' it is little better than to revive the gregarious instinct which has bedevilled the progress of social psychology.

The study of the small groups revealed by the sociometric charts of a number of Clubs and comparison with the details of the boys supplied by Club Leaders has led to the formulation of the hypothesis that boys who belong to the same small group are usually:

(*a*) of the same age;
(*b*) of the same socio-economic status;
(*c*) of similar intelligence.

There are other factors, which our form of analysis is far too crude to reveal, but if a guess, supported by some observation, is permissible it would be that one of the missing factors is a moral or ethical one. There are certain exceptions, perhaps a rather obvious one being that where boys of different ages belong to the same small group, the older boys are usually less intelligent than the younger.

For the sake of clarity, the previous paragraph has been worded somewhat dogmatically. It must be emphasized that the evidence so far obtained is not sufficient, either in quantity or quality, to validate the hypotheses; moreover the hypotheses refer only to a particular type of group, which may be called a friendship group of adolescent boys. It is indeed the writer's belief that groups are functional and that their composition is determined by their function.

The function of the group is to meet a felt or unconscious need of the boy, and therefore by studying the composition of the group we shall find a clue to those needs. The hypothesis is that the normal adolescent group is composed of boys who are similar in many characteristics, and it is suggested that, in choosing boys for his companions who are not very different from himself, he chooses those with whom he can communicate on terms of equality; from whom, in psychological language, he will receive recognition and response. From his equals he will obtain a sense of security and support; he can exchange ideas without a feeling of inferiority.

The explanation of the small group may be that adolescence is a time

when the ego-centred child has to begin to expand his horizons and to become a social being. The change cannot be made at once, it must be a gradual process which involves a sense of insecurity. The problems and doubts which arise cannot be resolved out of his own experience; they are new and strange; he cannot seek advice from his elders because it is at this period that he is apt to feel a sense of hostility and antagonism to them. Within his own intimate circle he can discuss his experiences; because he has chosen those who are like himself he can expect tolerant criticism; because they have a similar intelligence to his own they will see the world in the same way as he does; because their social environment is similar their social standards will be the same, and if they have the same ethical standards he can be sure that they will not be priggish if they disapprove of his misdeeds.

The possible function of the small group is therefore important; it is the refuge to which the boy can return from his excursions into wider society; it is the little community to which he can confess his failures; it provides him with the support which he needs when he is afraid; just as in childhood he will fly to his mother, so in adolescence when things go wrong he will seek out his friends. With his friends he can drop the mask which he must wear in society, he can become in his own eyes a real person free to express himself and free to criticize. Perhaps not least important, the friendship group can provide, as nothing else can do, emotional companionship. Dr. Karen Horney (1937) has expressed this need vividly: 'Emotional isolation is hard for anyone to endure; it becomes a calamity, however, if it coincides with apprehensions and uncertainties about one's self.'

Many studies of delinquency have emphasized that insecurity is one of its basic causes. It would not be difficult to find instances of boys who, feeling unhappy and insecure in their isolation, have committed a crime in order to win entrance into a delinquent gang; they seek, however foolishly, a form of security which they feel they need.

Sociometric charts of Clubs revealed, however, not only isolated individuals but isolated groups, and it is suggested that delinquency will be found more frequently among members of isolated groups than among isolated individuals. It is clear that, on the assumptions that have been made as to their constitution, small groups, whilst necessary to provide security, are for that very reason a barrier to mental or moral development. Boys whose interests are limited by their narrow circle of friends remain adolescent and do not move on to maturity. The delinquent is, by definition, an immature person, and it is in the inadequacy of his personal relationships that his immaturity is most clearly revealed. The gangs, which have caused so

much trouble recently in London, bear all the marks of adolescence if not of infantilism, the members having been halted at a crucial stage in their development.

The ideal solution to the problem of the isolation of the small group is that it should be integrated into a larger whole such as a Club, which can offer to the individuals and to the group itself a wider vision and higher ethical standard. Within the Club the group must retain its freedom to live its own life, provided it is not subversive. If the group accepts the Club and is accepted by the Club, there is a harmony between the factors which make for stabilization and those which make for progress. If, on the other hand, one member of the group joins the Club and the others remain outside, there will be a tension, which will be resolved either by the boy leaving the Club or separating from his friends. If a Freudian explanation may be attempted, it is perhaps that when the group is accepted into the Club, ego-reinforcement and the development of the super-ego take place within the same field and with the minimum of antagonism.

It must be admitted that the attempts made to integrate a difficult group of boys into an established Club have often failed. There is need for a thorough study to discover whether this failure is inevitable or whether it is due to a faulty structure of the Club, which can be remedied. If the failure is inevitable, or if the attempt makes too great a demand on leaders whose hands are more than full in providing for the normal boy, then other plans must be considered. The long-term policy would be to recognise much earlier the boys who are likely to become difficult and to provide therapeutic treatment, possibly on the lines which have been found successful by Slavson (1947) in America. The alternative method would be to provide special Clubs designed to meet the needs of this particular type of boy. An experiment along these lines, the Barge Club, has already been mentioned in these columns. It is understood that a full report of this Club is already in the Press and it would be premature to pass judgment on it other than to say that *prima facie* the segregation of boys who have similar character defects is a questionable policy if, as some think, the most important educational influence in the lives of boys comes from their association with other boys of more stable character. What seems to be abundantly clear is that group membership is an essential step in the progress from childhood to maturity and that research and experiment in this field is of crucial importance in the sociology of delinquency.

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Fortunately, however, for the object of this work, the believer in the possibility of a science of history is not called upon to hold either the doctrine of predestined events, or that of the freedom of the will; and the only positions which . . . I shall expect him to concede are the following: that when we perform an action, we perform it in consequence of some motive or motives; that these motives are the result of some antecedents; and that, therefore, if we are acquainted with the whole of the antecedents, and with all the laws of their movements, we could with unerring certainty predict the whole of their immediate results. . . . If, for example, I am intimately acquainted with the character of any person, I can frequently tell how he will act under some given circumstances. Should I fail in this prediction, I must ascribe my error not to the arbitrary and capricious freedom of his will, nor to any super-natural pre-arrangement, for of neither of these things have we the slightest proof; but I must be content to suppose either that I had been misinformed as to some of the circumstances in which he was placed, or else that I had not sufficiently studied the ordinary operations of his mind. If, however, I were capable of correct reasoning, and if, at the same time, I had a complete knowledge both of his disposition and of all the events by which he was surrounded, I should be able to foresee the line of conduct which, in consequence of those events, he would adopt.

HENRY THOMAS BUCKLE: 'Introduction to the History of Civilisation in England' (1857–61).

RESEARCH AND METHODOLOGY

Current Research. XVIII. Changes in Criminality and Morals in The Netherlands during and after the German Occupation

(1) *Name of University Department, Hospital, or other Institution or private person supplying the information:* Dr. R. Rijksen, Chief Assistant, Criminologisch Instituut aan de Rijksuniversiteit te Utrecht.

(2) *Subject of Research:* An investigation into the changes in criminality and morals in The Netherlands during and after the German occupation. For the purpose of this investigation, the country has been divided into five districts, and the research is divided into two sections:

(*a*) Urban section: a mainly statistical analysis of crime and punishment in the towns of Utrecht, Groningen, Gouda and Tilburg. In addition, a more detailed study of the criminological and moral factors involved is made in the towns of Utrecht and Groningen.

(*b*) Rural section: in sixteen villages in different parts of the country detailed investigations are carried out of various criminological and moral problems connected with the war and the occupation.

(3) *Under whose auspices is the research being carried out?:* By the Universities of Leiden, Utrecht, Groningen and Tilburg, and the Institute for Social Research of the Dutch People, with a co-ordinating body responsible for the general direction, and with the financial support of the ' Organisatie voor zuiver wetenschappelijk onderzoek ' (Organization for Pure Scientific Research).

(4) *Started:* 1949.

(5) *Publication:* Results not yet published.

Current Research. XIX. Psychological Testing of Delinquents

(1) Dr. J. C. Penton, Army Operational Research Group, Broadoaks.

(2) An attempt to construct a battery of psychological tests which will differentiate between psychopathic and potentially delinquent soldiers, and ' normal ' soldiers.

(3) Army Operational Research Group, Broadoaks. *Research worker:* Mr. Haldane.

(4) *Started:* 1950. *Completion expected:* 1952.

(5) No results so far published.

Current Research. XX. The Military Value of Ex-Borstal Boys

(1) Dr. J. C. Penton, Army Operational Research Group, Broadoaks.

(2) The assessment of the relative military value of ex-Borstal boys and other wartime conscripts.

(3) Army Operational Research Group, Broadoaks.

(4) *Started:* 1947. *Completion expected:* 1952.

(5) No results so far published.

Current Research. XXI. Juvenile Delinquency in Georgetown

(1) Henry Cameron, B.Sc., Probation Office, Georgetown, British Guiana.

(2) A comparative study of delinquents and non-delinquents in a delinquency area in Georgetown, British Guiana.

(3) *Co-Chairmen of Research Group:* Henry Cameron, B.Sc., F. C. R. Pollard, B.Sc. *Research workers:* C. N. Murray, H. Barrington Davis, L. A. Dyal.

(4) *Started:* March, 1951. *Expected date of completion:* February, 1952.

(5) No results have been published.

(6) This is the second part of a larger research in Juvenile Delinquency in British Guiana.

Current Research. XXII. A Study of the Juvenile Gang in a London Area

(1) Dr. John Spencer, Lecturer in Social Science, London School of Economics and Political Science.

(2) A study of the juvenile gang in a London area.

(3) The research is being carried out by the Noel-Buxton Trust Research Fellow, Mr. M. Ll. Turner, with the collaboration of an advisory committee under the chairmanship of Dr. H. Mannheim.

(4) *Started:* September, 1951.

(5) Nothing so far published.

NOTES AND CRITICISMS

Report of a Committee to Review Punishment in Prisons, Borstal Institutions, Approved Schools and Remand Homes

Parts I and II: Prisons and Borstal Institutions (*H.M.S.O., Cmd.* 8256, *June*, 1951, *price* 3*s.* 6*d.*)

The Departmental Committee appointed to enquire into punishments in Home Office institutions has issued its report upon prisons and Borstals. It is a disappointing document, and by comparison with the long list of reports on penal matters issued during the past sixty years it is woefully inadequate. The only important contribution it makes to knowledge lies in the publication of the details of one month's offences and punishments in a number of prisons and Borstals. This at least will have historical value.

The recommendations are a mixed bag; the most useful refers to the procedure of Visiting Justices Committees and Boards of Visitors. Otherwise those which are not merely trivial are of doubtful value or definitely bad.

It is certainly high time that the chaotic procedure of some visiting Committees should be regularized, and that a prisoner referred for punishment should not have to face a panel of anything up to twenty magistrates. The proposed upper limit of five is reasonable. The recommendation that prison earnings should be increased to 2*s.* 6*d.* per week was obviously insufficient. Sterling is on a 'tobacco standard' in prison, and half-a-crown would still leave the prisoner far worse off than he was before the war. In view of the stress the report lays upon tobacco as a source of trouble and indiscipline it might have been expected that the 4*s.* (enough to buy one ounce and thus restore the prewar position), which has just been given by the Commissioners, would have commended itself to the Committee.

The suggestion that trouble makers, such as traffickers and tobacco barons, should be removed to a special institution sounds attractive. But viewing prison

populations, even with a beneficent eye, one cannot but wonder whether there will not be an adequate supply of candidates to fill the void created. Certainly if tobacco hunger remains acute there will be no shortage of barons.

The recommendation that the proposed East-Hubert institution for psychopathic and similar prisoners should be started in the wing of an existing prison is very questionable. The need for such an institution is pressing, but one has only to review the limitations of existing maximum security prisons to realize how much of a makeshift it would be.

The very difficult problem of giving the prisoner assistance in stating his case when charged with a serious offence is brushed aside far too readily. Admittedly it will be difficult to find a satisfactory solution. The National Association of Prison Visitors and the National Association of Discharged Prisoners Aid Societies have both rejected the proposal that their members might act as the ' prisoner's friend '. Somewhat surprisingly the committee decided that ' only a lawyer would be able to give the prisoner requisite assistance and advice ', but gives no reasons for this curious opinion. Finally, it recommends that legal advice should not be allowed. The objections advanced against allowing a lawyer to be employed by a prisoner are certainly adequate. But the dilemma thus created is quite artificial, for to suggest that only a lawyer could assist a prisoner is ridiculous. Possibly the final solution will have to wait until Social Workers are appointed to prisons. These would be able to act as they now do in some American Federal prisons.

While the Report is noticeably uncritical of methods of prison discipline, its attitude to Borstal is carping and jaundiced. The complaints of the Prison Officers' Association, not a particularly progressive body, are quoted against Borstal at some length; and although the Report admits that its representatives could produce no satisfactory evidence to substantiate their statements, and the committee itself was unable, despite ' raking and sifting ', to find anything concrete, it is quite clear that the views of the P.O.A. have been swallowed whole. Indeed, the Association's phrase ' a policy of leniency ' has not only been adopted but improved upon by the committee, and becomes ' a policy of leniency, appeasement and soft treatment '. Fears are expressed that too much leniency will be regarded by many offenders as ' sloppy sentimentality ', words which obviously express the feeling of the Committee.

The only concrete evidence adduced to justify this somewhat petulant outburst is that absconding has increased and the success rate has decreased. But in view of the post-war conditions it would be remarkable if it were not so. The Report admits that Borstal contains a higher proportion of hardened offenders than before the war, yet in the condemnation of Borstal methods any possible connection between the deterioration of the raw material and the decline in the success rate is ignored. Moreover, the success rate for young prisoners of a similar age and class has also deteriorated. This is a highly relevant comparison in any assessment of Borstal methods, yet the Report does not mention it. The appendices, which give details of one month's offences and punishments in a number of prisons and Borstals, lead no support whatsoever to the reiterated charges of leniency. On the contrary, they show that the punishments awarded by Borstal Governors are in general heavier, and in many cases much heavier, than those imposed by the majority of prison Governors on prisoners of a similar age.

The two recommendations of importance which apply specifically to Borstal

are that punishment diet No. 1 (bread and water) should be reintroduced, and that absconding should be dealt with by Boards of Visitors and not by Governors.

It is greatly to be hoped that the Home Secretary will reconsider the decision of his predecessor to accept this latter recommendation. A large number of cases of absconding are quite trivial. To 'scarper' is a perfectly normal instinct in a population of essentially irresponsible adolescents. Whether heavier punishments would reduce the amount is a matter for speculation. Some light might have been thrown upon this point had the committee enquired whether cases dealt with by Visiting Boards showed a better subsequent record than those dealt with by Governors. Absconding is serious because it not infrequently leads to further crimes for the purpose of obtaining money, clothing and food while on the run, and it is impossible not to sympathize with residents in the neighbourhood of an open Borstal. However, in such cases there are ample powers of punishment, for the offender can be charged with the offence and if necessary given a sentence of imprisonment. Moreover, Governors where they think it advisable can and do refer absconders to Visiting Boards. Thus the recommendation would for the most part operate in those cases where it was least necessary.

The Committee's critical attitude to Borstal contrasts sharply with its complacency towards prison. Evidence was given (s.s. 81, 82) that there were wide and unjustifiable variations in the weight of punishment awards by different prison Governors. This was dismissed with the airy comment that prison punishments were 'on the whole well calculated to the merits of the offender and the offence'. The matter is sufficiently germane to the purpose of the committee and to an assessment of the importance to be attached to its report to warrant a reference to the facts. The following table gives the punishments awarded in two prisons during one week. The weight of a Governor's punishments may well vary with the character of his prison and the type of its population. Any valid comparison must take this factor into account, and the prisons chosen are comparable in both respects.

The table may be somewhat confusing to those who have no knowledge of

PUNISHMENTS IN TWO LOCAL PRISONS FOR WEEK ENDING SEPTEMBER 23, 1951

		Punishments									
	Total number of offences	*Not punished*	*Cellular confinement and Diet No. 1*	*Diet No. 2*	*Reduction in stage*	*Forfeiture of remission or postponement of release*	*Forfeiture of earnings*	*Forfeiture of smoking*	*Forfeiture of right to purchase from canteen*	*Forfeiture of privilege of association*	*Forfeiture of all privileges*
Local Prison (north)	17	4	5	—	—	2	6	—	—	—	—
Local Prison (south)	29	4	20	3	21	17	23	21	21	5	2

prison punishments, so a word of explanation may be advisable. In the northern prison 4 offenders against prison discipline were cautioned and 13 were punished. Five of these received cellular confinement and No. 1 diet, which consists of bread and water. These two punishments are always given together for administrative reasons. Of the remainder two forfeited a portion of their remission and six forfeited their earnings for a period. In the southern prison 25 out of 29 offenders were punished. Twenty were given cellular confinement and No. 1 diet ; but the figures show that in addition to this punishment the great majority of them also suffered a reduction in stage plus forfeiture of remission plus forfeiture of earnings plus forfeiture of various privileges. The disparity is startling, for clearly the weight of the average punishment imposed in the southern prison must be three or four times that imposed in the northern prison.

Prison punishments are purely deterrent, and their sole purpose is to maintain discipline. So far as I am aware, discipline varies little in the above prisons. The conclusion seems obvious. Some Governors punish far more heavily than is necessary to maintain discipline, or others, if I may use the language of the Report, appear to be given to ' leniency, appeasement, soft treatment and sloppy sentimentality '. But whichever conclusion is drawn, the facts make nonsense of the Committee's dictum.

It is a pity the committee made no enquiry into the methods of punishment employed in Scottish prisons. Strict comparison between the English and Scottish systems is somewhat difficult, since different penalties are employed. Scotland abolished No. 1 diet in 1947, and deprivation of mattress, which has not been employed in England for some years, is imposed in Scotland. Nevertheless, in general Scottish punishments are far lighter than English.

No reference is made to women's prisons or to Girls' Borstals. The latter institutions particularly have special problems. A high proportion of Borstal girls are emotional, oversexed and hysterical, and are in every way more difficult to handle than boys. Smashing up, for example, is far more common among girls. It is strange that the Report has neither comment nor recommendation to make on this difficult sector of its subject.

It is equally strange that no examination has been made of other penal systems. Scottish disciplinary methods have already been mentioned, and Sweden has a highly developed and progressive penal system which might well have something to teach us.

Presumably the Home Secretary would not have appointed a Committee had there not been a feeling that some overhaul of institutional discipline was necessary. The poverty and inadequacy of the Report make it clear that the Home Office will have to do its own thinking.

GEORGE BENSON, M.P.

ATTENDANCE CENTRES FOR YOUNG OFFENDERS

The Report of the Departmental Committee on the Treatment of Young Offenders, 1927, was concerned, among other matters, with ways and means of reducing the number of persons of over seventeen and under twenty-one who were then being sent to prison for short sentences. Under the Criminal Justice Administration Act, 1914, there were two alternatives. Section 12 gave courts of Summary Jurisdiction the power to order an offender to be detained within the

precincts of the court or a police station till such hour as the court might direct, not later than 8.00 in the evening on the day on which he was convicted. Section 13 empowered courts of Summary Jurisdiction to order detention for a period not exceeding four days in a suitable place. The Secretary of State could certify police cells, bridewells and other similar places to be suitable places and could make regulations as to their inspection and the treatment of persons detained therein.

The Committee commented that Section 12 provided a useful means of disposing of some of the more trivial offences: ' it is irksome to the offender without involving any undue interruption of his work '.

With regard to the use of Section 13, the Committee found that it was being used principally in Liverpool and that throughout the country only 115 police stations had cells certified as suitable for the detention of young offenders. It considered it undesirable that young people should be detained even four days without employment or opportunities for exercise, and so felt unable to recommend any general extension of the system. The Committee mentioned, however, that it had been suggested that the period of detention in a police cell might be made intermittent and the young persons between seventeen and twenty-one might be sent to police cells for several consecutive week-ends. The idea underlying the proposal was that it would be very disagreeable to the offender, involving loss of his free time without interfering with his regular occupation. As there were practical difficulties in the way of the suggestion, the Committee made no recommendation.

Have we here the germ of the idea behind the institution of Attendance Centres under the Criminal Justice Act, 1948? The idea did not lie fallow between 1927 and 1948 for, in his evidence before the Committee on Persistent Offenders in 1931, Sir Alexander Paterson recommended ' the deprivation of leisure as a means of dealing with the troublesome adolescent '. He envisaged evening or week-end detention and suggested that the offender should be kept busy by chopping wood, scrubbing or cleaning. ' The process would do him no harm and might well remind him of the power of the law to interfere with his liberty if he does not conform with its requirements.' Then, in the Criminal Justice Bill, 1938, provision was made under Clause 12 for compulsory attendance centres for offenders between the ages of seventeen and twenty-one, who might be required to attend on such occasions and at such times as would avoid interference as far as practicable with their working hours and who were to be given, under supervision, appropriate occupation and instruction. The Bill provided also for juvenile compulsory attendance centres for offenders between the ages of twelve and seventeen. The total number of hours of attendance might not exceed sixty and an offender could not be required to attend the centre more than once or for more than three hours on any one day, or after the expiration of six months from the date of the order.

As is well known, Lord Templewood, then Sir Samuel Hoare, sponsored the Criminal Justice Bill and it was he who saw the advisability of providing an additional method of treatment for young offenders. He wanted to provide a form of punishment which would avoid the pitfalls of a short prison sentence and in which the punitive element would lie solely in the curtailment of the offender's leisure.

The Criminal Justice Bill, 1938, was shelved on account of the war and the clause relating to Attendance Centres was omitted in the Criminal Justice Bill of

1948. Lord Templewood, however, was instrumental in introducing a similar, though somewhat curtailed, clause to this Bill during the committee stage in the House of Lords. Section 48 of the Criminal Justice Act, 1948, empowers the Secretary of State to provide Attendance Centres, at which offenders between the ages of twelve and twenty-one may be required to attend.

Section 19 of the Act limits the hours of attendance at the centres to twelve in the aggregate. In this curtailment of the hours of attendance from the maximum of sixty, as proposed in the Criminal Justice Bill, 1938, to the twelve authorized by the Act lies the greatest weakness of the present scheme, and it may well prove to have been a case of *reductio ad absurdum.*

Four Attendance Centres have already been set up under the Act for the reception of young male offenders between the ages of twelve and seventeen years. These centres are in London, Kingston-upon-Hull, Smethwick and Sheffield; others are in preparation or under consideration in several of our larger cities.

The centre in London is run by the Metropolitan Police under a specially appointed Inspector and housed in the Police Training Centre, at Peel House. The boys are divided into a senior and junior group, meeting on alternate Saturday afternoons, and are given instruction in P.T. and basket work; they spend part of each session on such household chores as scrubbing, polishing and the like.

The centre at Kingston-upon-Hull is run by the Children's Committee and is housed in the Remand Home, the Superintendent of which is the officer-in-charge. Activities here include P.T., gardening, handicrafts, and the cleaning and repairing of articles of clothing and equipment used in the centre.

Smethwick Attendance Centre is held at the Divisional Police Station under the supervision of the Police Superintendent. The aim here, as at the other two centres, is to encourage young offenders to become useful citizens and to develop their self-respect. The boys receive talks on citizenship either from the officer-in-charge or from private persons who can fire their imagination and strengthen their ideals of right conduct. The activities include P.T., team games, boxing, gardening, and instruction in simple household repairs.

The centre in Sheffield is accommodated in the Police Training School and is run by two senior police officers. The junior and senior groups attend on alternate Saturdays. All the boys have P.T., followed by disciplinary tasks in the house or garden. If the boys carry out these duties in a satisfactory manner, they pass on to more congenial occupations, such as instruction in first aid, life saving, bicycle repairs or the care and maintenance of tools.

In all the centres the boys are interviewed initially by the officer-in-charge and told about the purpose of the centre and the rules of attendance. This orientation interview is of great importance to the boy's future attendances and to his attitude towards the centre generally. All the boys in attendance are given a good deal of individual attention besides being subjected to the group experience and discipline.

In London, Hull, Smethwick and Sheffield an effort is being made to link up the boys with local youth organizations so that they may have the opportunity of carrying on with the social training already initiated at the centres. In all these places the probation officers are watching with great interest and in some cases are taking part in the experiments. The inspection of Attendance Centres is in the hands of the Children's Branch of the Home Office.

Reports from the four centres so far in operation would seem to show that the

scheme is workable and has the great advantage of being flexible and capable of adaptation to the needs of different localities. As has been shown, variation in method is already apparent. The Act does not specify what local committee shall be responsible for running Attendance Centres on behalf of the Secretary of State. Three of the four centres are administered by the local police, the fourth by the Children's Committee. But there is presumably no reason why an Attendance Centre should not be run under the ægis of a Probation Committee, for example, or even of an *ad hoc* committee, provided it complied with all the requirements in the Rules. While the scheme is still in its infancy, there is an obvious need for experiment and there would seem to be many advantages in Attendance Centres being run under different auspices in our various towns and cities. The Children's Branch of the Home Office, as the inspecting body, would be in a position to study and compare the different methods of management and the results obtained. Proper statistics and research are of vital importance to the success of this new type of treatment.

Although it is as yet too early to make any assessment of the value of these centres, it is perhaps opportune to examine the principles upon which they are based and the lines along which they may well develop.

The original aim of the Attendance Centres would appear to be the provision of an alternative form of treatment for young offenders who do not require institutional treatment but who need something more drastic than probation. The Criminal Justice Act, 1948, abolished birching for this age group and established Attendance Centres as likely to be a more effective and less glamorous punishment. The punitive, reformative and deterrent elements in penal treatment all have places in this new system.

Any interference with liberty and the choice of leisure time activities is likely to be regarded as punishment by offenders of all ages and the fact that attendance at such centres is compulsory on Saturdays, normally sacred to football or pictures, ensures that this interference is at its peak. Mere attendance, quite apart from the activities organized at these centres, is therefore the most punitive part of this new method of treatment.

Deterrence is the obverse of punishment. The Parliamentary supporters of attendance centres obviously hoped that those who are obliged to spend their free time in this way would be deterred from committing further offences and would inform their friends that football and pictures are, in fact, preferable ways of spending Saturday afternoons.

Yet reformation, dearer to the hearts of those running the centres than either punishment or deterrence, is implicit in the rule under the Act which defines the aims of the activities at these centres: 'The occupation and instructions given at a centre shall be such as to occupy the boys during the period of attendance in a manner conducive to the health of mind and body.'

The next question to be considered is how much training can be achieved with a delinquent boy in twelve hours. It takes time to create good habits and develop social standards.

In this connection it is perhaps pertinent to study a somewhat similar system which has been in operation over a much longer period in the U.S.A., and to compare it with our own experiments.

The Citizenship Training Department at Boston, Mass., was set up by Judge Perkins in 1937 as an adjunct to the Juvenile Court, for all boys between the ages

of twelve and seventeen who are placed on probation or under a suspended sentence by the Court. Its activities are carried on in the premises of the Young Men's Christian Union; it is staffed by trained social workers and instructors and there are consultant specialists to whom the boys may be referred. All the boys are medically examined at the outset and given a series of psychological tests. The whole emphasis in the Citizenship Training Department is on reformation; the punitive and deterrent elements, though present, are regarded as incidental. The Department studies and assesses the boy's problems, prepares him for a period of probation, and attempts a limited amount of character training. Simultaneously it keeps in touch with the boy's home. If twelve hours' attendance at our centres is considered to be too short a time in which to achieve constructive results, the American system may be criticized as too intensive, attendance there being compulsory during twelve weeks for two hours on five evenings each week.

At Boston the first hour is devoted on three nights a week to physical training and games in the gymnasium. A progress chart is kept for each boy and he is encouraged to try to beat his own record; this eliminates too much competition and helps to build up the boy's self-confidence in his abilities and physical prowess. On the other two nights, the first hour is spent in singing, dramatics or in handicrafts which are aimed at giving the boys some manual skill and sense of achievement; during the second hour there is either a discussion or a group activity which is intended to widen the boys' interest beyond their immediate self-enjoyment. The aim of the whole curriculum is ' to deflect the boy's thinking from definite delinquent acts to something constructive and to strike a spark of interest that will lead him to make new and better community contacts ': an aim to which those running our centres would probably subscribe. Remedial reading may also be part of the curriculum for those boys who have had difficulty in learning to read.

The Citizen Training Department's place in juvenile court treatment is different from that of our attendance centres in that the link with the court is in some respects closer. When the boy has been attending the Department for eight weeks, a conference is held among the staff members: his personality and progress is evaluated by the psychiatrist and plans are made for his future. It has been found necessary to refer only 8 per cent. of the boys to the Judge Baker Centre, the Child Guidance Clinic attached to the Boston Juvenile Court, for psychiatric study and treatment. After a period of eight weeks' observation the Department is obviously better able to select such cases for referral than was the Court at the initial hearing. In a brochure the Citizenship Training Department points out that it also ' provides the opportunity for validating or correcting the clinical types of observation which were formerly our only scientific technique in the prevention and correcting of individual delinquency '.

Case conferences are held weekly and each boy's progress evaluated. Should a boy not benefit from the Department's programme, he may be referred back to the Court at any time; but in the normal course of events he returns at the end of three months with a full report on his character and potentialities. This is available to the probation officer. The Judge may alter his disposition of the case in the light of the report, but in most cases probation is continued. The boy then makes his first real contact with his probation officer and has to report to him weekly for the next three months. During the third period he does not have to report. The probation officer verifies the circumstances at the end of this period, and if reports are satisfactory the case is closed; if all is not well

the probation officer suggests to the Judge that the case be continued and this results in some probation orders lasting a year or eighteen months. The majority, however, appear to expire after nine months.

An evaluation of the work of the Department was carried out by an independent committee in June, 1942, and in the course of the survey it was found that 52·24 per cent. of the boys who had attended the Department during the previous five years had not been involved in any further delinquency, but that 47·76 per cent. had been charged subsequently with from one to nine offences.

These figures are not very impressive but a recent report from a research unit attached to the Department—an invaluable innovation—would seem to show that there has been a considerable improvement of recent years. The annual report for the year 1950 claims that approximately 70 per cent. of all the boys trained under the Citizenship Training Group Method during the years 1938–47 ' have been restored to decent living and useful citizenship '. It is difficult to reconcile the two sets of statistics, but the disparity may not be as great as it appears, since the first set of figures is limited to subsequent acts of delinquency, whereas the recent report takes a broader view. These statistics isolated from their social context should not prevent us from considering more deeply the limitations and potentialities of this type of centre.

In the first place it would seem that this kind of treatment should not be applied indiscriminately to all probationers. Yet our own experience would seem to show that many delinquent boys need more discipline and character training than they can get in their own homes or from their probation officers but do not need approved school training. Our attendance centres were, in fact, set up to cater for this particular type of delinquent, standing as he does midway in need between treatment in the open and institutional control. Careful selection of cases for this method of treatment is of primary importance for its success. It is obviously inappropriate for those boys whose delinquency is a working out of a personal problem in a neurotic way.

The second point to be considered is the length of attendance necessary to obtain positive results. Twelve hours' deprivation of pleasure concurrent with twelve hours' deterrence and twelve hours' reformation constitute too short a period to be effective in character training. The Boston programme is probably too lengthy. It might be wiser to commence training on the basis of five evenings a week, but after the initial period attendance should be on a sliding scale at the discretion of the leader. This would have the additional advantage of affording the boy a limited amount of unregimented leisure. Such a scheme would also enable the effectiveness of the training to be gauged by comparing the boy's behaviour at the centre with his use of leisure in an uncontrolled environment on other evenings of the week.

Thirdly, to make this type of training effective, staff and programme at the centre must be of the highest standard because of the natural difficulties arising from the close association of a number of delinquents with an age range from pre-puberty through the adolescent period and the likelihood of an even greater range in mental age and delinquent experience.

Although its avowed object is training, the Citizenship Training Department acts also as a most useful non-residential observation centre. Our own attendance centres could fulfil this function too, especially if at times the discipline could be less strictly enforced and the boys allowed some opportunity for association and

free play. The efficacy of the Boston system could quite possibly be enhanced were the probation officer to have contact with the boy whilst he was attending the Citizenship Training Department, as it is during the period immediately after the offence that the boy (and the parent) are usually most receptive to outside help. It may also be difficult for him at a later stage to break the relationship he has made with the caseworker at the centre and to give his confidence to another stranger.

The value of our own new method of treatment might be enhanced too, were a close liaison developed between the attendance centre and the probation officers, particularly in those cases where probation orders and attendance centre orders are running concurrently, as so often a new light may be thrown on a boy's character by his behaviour in a group.

R. M. Braithwaite.

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Crimes of Violence: The Report of a Conference on Crime Sponsored by the University of Colorado, August 15–18, 1949, on the Boulder Campus (Boulder: University of Colorado. 1950. Pp. 109. Price $1.50.)

This is a document of over 100 pages, quarto size, set out in double columns of extremely small print. It represents the contribution of a number of Sociologists, Psychiatrists, Criminologists, Police Experts and University Professors to various aspects of the problem defined in the title. Including the sections set aside for discussion at various points throughout the symposium, there are over twenty-five separate contributions, as well as a summary of recommendations and various other information. This therefore promises to be a detailed and authoritative contribution to the subject; yet despite its sincerity and the obvious concern of the contributors for the problems which they discussed, it falls disappointingly short of the target at which it must have aimed.

There are a number of reasons for this, and perhaps the saddest is in the stultifying effect of the fidelity with which these verbal contributions are reproduced. Reading through this rather verbose, discursive and anecdotal series of contributions one is impressed over and over again with the efficiency of those unseen agents whose labours must have been so exacting during the conference, namely, the squad of stenographers who took down faithfully every word, every aside, and practically every cough or pause which characterized the utterance of the speakers. In Britain there would have been a grave danger of a conference of this sort failing to produce an adequate report because of the niggardly facilities

for secretarial assistance which the speakers would have had. In America, where shorthand typing machines and highly skilled operators to manipulate them are rightly considered part of the equipment of any worthwhile conference of experts, the result is paradoxically that the finished report is almost as effectively ruined as it would have been by no secretarial assistance at all. Listening to these papers must have been quite a different experience from reading them. One can imagine the easy friendly delivery of many of the speakers, their modest personal asides, their references to their families' plans for their retirement and so on, all of which would have passed easily and pleasantly in one ear and out the other, leaving the residue of fact or stimulating conjecture to germinate in the minds of their hearers. Reading the reports which, with only one exception, give no evidence of any subsequent editing or re-writing whatever, one finds these same oratorical touches disconcerting, often irrelevant and sometimes frankly irritating. The over-all effect is not of a series of considered papers or even of a balanced and carefully prepared collection of points of view. It is rather an impression of a number of well-intentioned and slightly self-conscious members of the conference thinking out loud, in an atmosphere of encouragement and good-fellowship which has somehow failed to survive the transition from speech to cold print.

So much for the hurdles which the conscientious reader has to take in his stride. If I seem to labour them it is only because surmounting them proved to be such unnecessary distraction. The task of writing to be read is a difficult one, but it is not one which any speaker can afford to ignore if a collection of speeches is to be published in the form of a permanent record. In broad review the symposium deals with social, personality, and emotional factors in crime, with the special problems of the American police, with legal, administrative, and preventive measures, with certain types of criminal, including the recidivist and the so-called sexual psychopath, with various forms of treatment, including castration, with the design and construction of prisons, and with the rôle of the family and the community in the upbringing of youth and its relationship to delinquency. There is an appendix on the relations between the law and science, in which the undeniable although not necessarily unbridgeable gulf between pure science and forensic psychiatry tends to be somewhat optimistically ignored. But while the style and presentation of all this matter is open to the objections which I have already made, much of its substance, and particularly the energy and diversity of the approaches of the various contributors to their subjects, are valuable and encouraging.

The opening address by Harry Elmer Barnes is rather better designed than most of the contributions which follow. It bristles with astonishing statistics and controversial suggestions. Examples of the former include the statement that 70 per cent. of all Americans live in substandard housing and that 40 per cent. of them ' get virtually no medical attention whatever . . .', that 325,000 deaths which could be prevented occur from illness every year in the United States, whereas the homicide rate is only between 10,000 and 15,000 per annum. Turning to the cost of crime he remarks that the over-all cost including that of law enforcement, institutional operations, including prisons and courts, and crime itself, is at least 10 billion dollars a year. This apparently is a sum four times as great as the cost of turning America into a Welfare State, should this be considered desirable. Of this staggering total, ' white collar crime ', in the form of organized rackets and big efficient criminal syndicates specializing in gambling, prostitution and drug trafficking, accounts for 5 billion dollars a year. Dr. Barnes goes on

to mention in passing that this over-all crime bill just about equals the sum spent annually in the United States on alcohol.

He pounds these formidable ingredients into a stiff potion and after administering it, follows it up with a series of sweeping recommendations, some of which, as he points out, have been put forward by reformers consistently for the past seventy-five years without the slightest notice having been taken of them. They include eliminating obsolete legal codes and petty charges to enable the police to concentrate on major and serious crime, the institution of indeterminate sentences, far-reaching reforms in the architecture and administration of prisons, the sterilization of mentally defective criminals and the total abolition of the jury system, which he would like to see replaced by that ominously authoritarian concept, ' an independent panel of experts '. He meant to get the conference off to a rousing start, and I should imagine that he succeeded. Small wonder that by contrast some of those contributors who immediately followed him appeared to flounder anxiously in a discursive and occasionally almost incoherent manner.

Most of the sections dealing with social, emotional and personality factors in crime are burdened with far too many detailed case histories and jocose asides, and far too few lucid and concise statements of the author's general conclusions. Where there is a framework, as in the article by Dr. Guttmacher, it tends to be unnecessarily complicated: we find, for example, eight separate categories, several of which overlap and most of which are overburdened with detailed examples which carry an uneasy flavour of special pleading.

The section on police problems is extremely interesting in that it brings out what readers of Raymond Chandler and other masters of American detective fiction will have been led to expect, namely the crucial difficulties facing the American police through political domination and civic interference. This is an aspect of police procedure which we have succeeded in avoiding in this country; but although we are in this respect more fortunate, it would be missing the point altogether to overlook the bluntness and vigour with which these representatives of the American police force attack what they conceive to be wrong in their own system. Courage in ruthless self-criticism is one of the most generous and noble aspects of the American attitude; and here it would certainly seem to be needed.

Subsequent sections deal with many aspects of crime prevention, including the suggestion that recidivists may have chronic physical handicaps which, once removed, would result in their becoming amenable to reform. Later on there are articles dealing with the law and particularly with the statute passed in Colorado in 1927 whereby every prisoner pleading insanity, or any form of mental aberration in defence or extenuation, is submitted for thirty days to the State Hospital, whence a report is prepared for the court. This may subsequently be questioned by counsel for either side but rarely is. The procedure is conceived as a means of ending that unedifying spectacle, the battle of the experts, whereby psychiatrists pop up like puppets on either side of the court to contradict each other's interpretations and confuse the course of justice. The Colorado law of 1927 and the Brigg's law as practised in Massachusetts would seem to contain the principle, the application of which is long overdue, that the diagnosis of a medical condition should be made on all the facts medically obtainable and not simply on those legally admissible; and moreover that such a diagnosis should be made and placed at the disposal of the court independently of the issue to be tried.

Sections dealing with sexual offences, the concept of the sexual psychopath, and the question of treatment by surgical castration or the administration of hormones calculated to weaken the sexual drive, are well worth reading. The arguments for and against were stated at the conference and will find an echo in the minds of most readers. The repugnance which most of us may feel for compulsory physical mutilation makes it all the more desirable that we should be acquainted with the arguments advanced to support it and the evidence on which they are based.

The sections on rehabilitation and on prison administration and construction are probably among the best in the symposium. Once again we are treated to some astonishing facts and figures. On the architectural side one learns that the tool-proof steel cells in a modern New York prison cost between 4,000 and 6,000 dollars each to construct. Attica, the twenty-year-old fortress prison in New York, which is apparently the most expensive prison in the world, cost over 10 million dollars at the time of its construction and would cost 25 million dollars if constructed at present-day prices. The latest of these fortress prisons at Greenhaven, in the State of New York, is so vast that messengers have to use bicycles to travel from one part to another through the corridors. The speakers insisted that all this vast and wasteful expenditure is a result of the 'jailing psychosis' which regards every convicted criminal as a savage and dangerous animal and all the emphasis is laid upon locking him up in a steel cage from which he can never escape, and from which any attempt to escape can only result in his being shot to death in the glare of searchlights before he has travelled twenty yards. The whole weight of their testimony is directed towards the construction of prisons of the most enlightened kind, such as that at Terre Haute in Indiana, where within the prison confines there is space, privacy and reasonable living conditions, and where it is accepted that certainly not more than 25 per cent. of all criminals need to be regarded as maximum security risks.

The closing contributions deal once again with social factors, this time at the level of family life and youth organizations. Here it would be churlish to deny that America has given the world a lead, and a lead of the very best kind. The evidence presented to this mixed conference of the value of a stable family life needs no repetition in review, but remains sensible and convincing. The youth programmes have all that zest, ingenuity, and complete refusal to be put off by obstacles which characterize Americans at their most impressive. The symposium ends with a summing up, and with the recommendations of the various committees who met diligently and prepared reports in the course of the conference. These resolutions cover most of the topics which were discussed, and attempt to present the general conclusions which they considered had emerged. Despite a persistent tendency to diffuseness, the sincere and energetic spirit of the conference comes out perhaps better here than its detailed exposition might suggest.

This, then, is a rather bulky verbatim account of an admirable enterprise. It comes near to being indigestible in parts, but the effort of reading it is one which those seriously interested in the problems of violent crime should be prepared to make. The whole thing could have been done very much better and very much more concisely if the various contributors had re-written their sections before publication, and if an editor had been appointed to correlate the sections and to control their constant tendency to be repetitive and verbose. By all means let us have our verbatim records of what we said in public, but only so that after

studying them in private we may be granted the grace, the energy, the time, and the discrimination to prepare a written account which will distil their essence without burdening posterity with the dead weight of oratorical blandishments. Economy may be the burden of the poor, but it is no less the duty of the rich, at least in literature.

DAVID STAFFORD-CLARK.

BERKSHIRE INTERNATIONAL FORUM

Under this title an international conference of some fifty authorities on the institutional treatment of juvenile delinquents was organized at the Berkshire Industrial Farm, New York, on June 22–24. Twelve members of the United Nations Secretariat also attended. The subjects dealt with at the various sessions included the Community and the Institution, New Approaches in Institutional Treatment, Developments in Recruitment and Training of Personnel, and a Blueprint for the Institution of To-morrow.

The Statement of Principles formulated by the Forum emphasized, *inter alia*, the desirability of small institutions, accommodating up to 150 children, which should not be treated, however, as substitutes for family, hospital or school. Treatment should embrace psycho- and social therapy and social re-education, and the individual case approach should be supplemented by group treatment. These techniques require a new type of staff, with qualities of leadership and guidance. In spite of the emphasis placed by the Statement on dynamic psychological mechanisms, it is observed that in the past the treatment of delinquents (one might add, where it existed at all in the constructive and psychiatric sense) has been unduly influenced by the therapeutic needs of psychoneurotics, who are an exception rather than a rule among delinquents.

T. GRYGIER.

THE PSYCHIATRIST AS WITNESS—A REPLY

We most heartily agree with the aim of Mr. Christmas Humphreys' note on the psychiatrist as witness (*British Journal of Delinquency*, Vol. II, pp. 53–55), and with his statement that ' the future of the treatment of crime lies to a large extent in the marriage of psychiatry and criminal procedure '; it is with his approach to these nuptials that we beg to disagree. Mr. Humphreys seems to regard all the wooing as the exclusive task of the psychiatric witness, and fails to make clear the absolute necessity for some reciprocal ardour on the part of the lawyers. This cannot be a shot-gun wedding—if it is to be celebrated at all both parties will have to understand more clearly each other's qualities and difficulties.

There is a preliminary misunderstanding concerning the status of the parties in this bower where the ' courting ' (with apologies) is to be done. Perhaps there is historical validity in Mr. Humphreys' contention that the psychiatrist is called to advise the court, that ' while he is in court he is the servant of the court in the administration of justice ', but this certainly does not accurately portray the present reality of the situation. Just like the lawyer, the psychiatrist and, indeed, all witnesses are forensically involved. Whether he is giving evidence for the Crown, for the accused person, or for the convicted criminal, the psychiatrist has been called by one of the parties to the trial, is paid by that party, gives evidence whose nature has previously been discussed, and is involved in a dramatic

and contentious day in court. Like other mortals, the emotions of psychiatrists are not divorced from their evidence; and our accusatorial techniques of trial are clearly not calculated to minimize the affection that a man develops for his opinions once they are publicly expressed and publicly attacked. Nor, indeed, should all this change; but it should be appreciated.

Further, just as lawyers feel free to differ on the state of the law applicable to the case they are arguing, so when psychiatrists are employed by the opposing parties to the trial it is unreal to deny them the right, indeed the duty, to express elements of disagreement concerning the particular human motivations to which they are testifying.

But in the light of Mr. Humphreys' strictures, some defence of the psychiatrist as a witness, particularly as a witness for the defence, may not be inappropriate. Let this follow the course of a confession and avoidance. It is prefectly true that many psychiatrists have given pretentious and fantastic evidence; that they have assuredly not used the most simple English at all times; that many have acted as if the Holy Grail of Truth reposed in their breasts. In some way they must be brought to see the real problems that the court faces and which they frequently ignore; and in this task Mr. Humphreys' note is extremely valuable. Now, having confessed the beam in the psychiatrist's eye let us look for the mote in the eye of English criminal procedure and then endeavour to spell out an avoidance of the charges. The psychiatrist is, as we have seen, involved as a witness for one of the parties, paid by that party, and that party may have shopped around various psychiatrists until he gets the type of evidence he requires. The psychiatrist will face a court largely sceptical of his evidence before he speaks. He will be put to a cross-examination in which an attempt will be made to cast doubts both on his ability and on the respect which should be accorded his views concerning the particular case being considered. This attempt will often follow the line of asking the psychiatrist superficial questions as to the details of the mental tests done by the accused person, or the significance of such activities of that person which the psychiatrist has observed or been told about, isolating a small portion of this diagnostically significant material, and advancing it as common to many people in the court, which of course it is. The difficulty of terminology which faces him will be rendered transcendental by strict limitations both of time and relevance which will often prevent him from clearly explaining many of the details of his evidence. He will, when insanity is pleaded as a defence, be asked to talk in terms that have not for half a century had any relevance whatsoever to the realities of insanity.

All these limitations place an intolerable burden on the psychiatrist desiring to give worthwhile evidence, and it is small wonder that under such pressures he frequently does not succeed as an expert witness.

However, there is no solution to what is a vitally important task along this course of recrimination, of allocation of guilt for an admittedly unsatisfactory situation. Only in a reciprocal understanding and a preparedness to seek new paths to truth is there any hope of a satisfactory solution.

Semantic difficulties lie at the root of much of the misunderstanding between the court and the psychiatric witness. The problem of terminology is a real one, and it cannot be lightly set aside by such advice as Mr. Humphreys' ' attempt to talk in simple English '. If Mr. Humphreys has ever essayed briefly to explain Equity to a group of Continental lawyers he will have some glimmerings of an

idea of the difficulty of explaining a psychiatric concept, for example schizophrenia, to an English court. Except, of course, his tasks will be slightly easier as the very exigencies of legal control import a certain similarity of ideas between lawyers from different countries, which is lacking between lawyers and psychiatrists. But Mr. Humphreys' own loose use of the terms ' diagnosis ' and ' abnormal ' will have illustrated to the careful reader of his note the genuine difficulties which he brushes aside.

When a pathologist gives evidence to a Coroner on the causes of death in any particular case, he is speaking to one who has been trained to understand certain of the concepts which will be used in the evidence that the pathologist adduces. In the field of the coronial enquiry we expect that type of tribunal to be capable of understanding certain technical propositions, medical and chemical, that will be advanced. We do not expect the pathologist to explain in a short time, in terms comprehensible to the layman, concepts which have taken centuries to build up. One might therefore argue with force that the psychiatrist should not be faced with this task, but that rather he should be giving evidence before a Bench equipped with a sufficient understanding of elementary psychiatry to encompass certain of the concepts that he will use. But Judges are already overworked men and to expect this knowledge of them would be contrary to our legal traditions. Fortunately there is another technique that will reach a similar result. In the realm of Admiralty Law, the Court is often assisted by expert assessors. Here it is, in truth, the Court which is being advised by a panel of experts available for that purpose. Several countries have applied this principle to the problem of psychological evidence, and in Rule 403 of its Model Code of Evidence the American Law Institute recommended the adoption of this principle in the courts of the United States. There is therefore both comparative precedent and precedent in our law for the existence of a panel of psychiatrists, recognized by their profession and the courts, and charged with the task of advising the courts on psychiatric issues when they are called upon to do so.[1] This would not mean that the parties to any case could not themselves produce psychiatric evidence; but it would mean that the Court would have at its disposal the guidance of a body of disinterested expert witnesses. Their evidence would have no greater legal force than the evidence of other expert witnesses, and it would be presented in open court and available for cross-examination by both parties. It is suggested that over the years such a panel would build up considerable prestige, and would have both an educative and a rationalizing effect on criminal procedure. Their reports, as well as being given to the court, should be canvassed by professional associations, and it might be thought wise to provide that no man stays a member of such a panel for more than, say, five years.

The above is only the merest outline of a suggestion that may deserve further consideration. Some solution must be found to our present recriminatory *impasse*. That it is an *impasse* was shown by Dr. Denis Hill's evidence before the Royal

[1] In 1927 the Court of Criminal Appeal, in *The King v. Dora Harris* (1927) 2 K.B. 587, held that in a criminal trial a Judge, without the consent of the parties, may himself call a witness if he regards that course as necessary in the interests of justice. There is not, therefore, any profound digression from accepted legal principles involved in the plan we suggest.

Concerning civil issues the position is more doubtful: see *In re Enoch's Arbitration* (1910) 1 K.B. 327 and the discussion of this case by Barry, J., in *The King v. Jenkins ex parte Morrison* (1949) Victorian Law Reports 277, at page 284.

Commission on Capital Punishment when he told of his failure to explain to a jury the significance of certain electroencephalographic traces. An hour and a quarter in the box, given considerable latitude by the court, equipped with a clear and incisive mind, and ample illustrative materials in the form of traces, and still, understandably enough, he has to confess his failure to explain this material and its significance in the particular case being considered.

One sentence in Mr. Christmas Humphreys' article goes to the root of the difficulty that so often faces the psychiatrist. He writes: 'The boy in the dock may be seriously neurotic, but why should respectable citizens by reason of that fact be robbed and assaulted with impunity?' Let us reply with another question. *Why should it be thought that to endeavour to explain a human action is thereby to justify it?* There is an aggressive *non sequitur* in the use of the word 'impunity' in Mr. Humphreys' question. It is perhaps the psychiatrist's very reluctance to make moral judgments that has led those who are over-ready to make them to project namby-pamby sentimental moral judgments into a simple recounting of facts and deductions therefrom. The competent psychiatrist realizes that the Court, and not he, has the task of judging between the interests of the offender and those of society, and will, if he is wise, confine his evidence to an evaluation of the psychiatric problem that the individual case presents, and to advice at a medical level of what he regards as the best treatment for that individual, leaving the task of balancing the possibly conflicting interests of society and the offender to the Court. That he does not advert to this last issue should not lead commentators to suppose that he has ignored it.

Finally, Mr. Christmas Humphreys argues that 'the whole science of psychiatry is to-day on trial at the bar of English criminal procedure'. How exactly this trial has come about is hard to understand. But if there is such a trial, it is one in which the Court should hurriedly non-suit Mr. Humphreys' clients—the parties are incorrectly named. Perhaps psychiatrists as expert witnesses are so on trial, but certainly not psychiatry. Alternatively, one can with equal accuracy contend that the rules of English criminal procedure are on trial as to their capacity justly to allow the presentation of psychiatric evidence.

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EUROPEAN SEMINAR

A remarkable pioneer experiment in European co-operation in the field of Criminology has recently taken place: a 'European Seminar' was held in Brussels from December 3–15, 1951, on the subject of 'The Medico-Psychological and Social Examination of the Adult Offender', organized by the United Nations in collaboration with the World Health Organization and at the invitation of the Belgian Government. Supported by an Honorary Committee and a National Organizing Committee of men distinguished in Belgian public life and by Monsieur P. Amor, Director of the Social Defence Section, United Nations, an Executive Committee, consisting of Professor Paul Cornil as Director and Messrs. D. Carroll, E. de Greeff and J. Pinatel as members, was in charge of the preparatory work. Reports from nineteen countries and from eighteen individual experts formed the basis of the discussions. Each of the participating countries

was represented by five delegates. It is hoped to publish in our April, 1952, number a report on the results of the Seminar.

H. M.

The Howard League Summer School

About a hundred probation officers, magistrates, lawyers, teachers and social science students attended a summer school arranged by the Howard League for Penal Reform at Wills Hall, University of Bristol, from September 14–21. The Vice-Chancellor of the University, Sir Philip Morris, was in the chair when Miss Margery Fry opened the school. In the course of her lecture Miss Fry touched on the question of absolute justice. At least one member of her audience would have liked a discussion on this point. The tension between natural law and positive justice has bedevilled legal theory for the last 2,000 years. Now the gradual introduction of methods based on psychology in the treatment of delinquents seems to have opened up another conflict, between lawyers as the administrators of justice, and psychiatrists as the therapeutists of the individual.

Although there was no clearly defined central scheme linking the lectures together, one general point was made repeatedly and in various ways. It was held that nearly all offenders who undergo imprisonment and who are subject to the discipline which this entails would benefit in a number of ways by the presence of a symbolic mother-figure to counterbalance the authoritarian father-figure of the Governor. The Howard League has for some time now pleaded for the introduction of trained social workers in all prisons, and it may be that such social workers would, at least to some extent, meet the need for an emotional outlet. In this connection, it was interesting to hear from Mlle. Hertevent, the director of social work in prisons in France, that of the 240 social workers thus employed no fewer than 233 are women. This leads one to speculate whether in this example there are any lessons for us. Quite apart from the fact that it will in any case be difficult to attract a sufficient number of suitable men because of the comparatively low salaries, the tensions between social workers and disciplinary staff which some people seem to fear, may, if they occur, resolve themselves more easily with women. Moreover, if the women were mature and experienced enough they would provide most naturally that sympathetic mother-figure which is wanted. But perhaps most important of all would be the general principle which is here involved: that of introducing women into all-male prisons in such a way that their presence will eventually be taken for granted both by the staff and by the prisoners. (It is, incidentally, remarkable how individualized treatment in French prisons appears to be becoming, for 240 social workers and 40 *éducateurs*[1] serve a prison population of 29,500—excluding 4,500 political prisoners—that is one worker for roughly every 120 prisoners.)

In a discussion following his lecture, Mr. R. H. Adams, Principal of the Kingswood Training and Classifying Schools, touched on the possibility of duplication in a system which employs both Classifying Schools and Remand Homes—a subject which was discussed at length in the July issue of this Journal. Meanwhile, children continue to be sent, and not so very infrequently, both to a Remand Home and to a Classifying School; that is to say, they suffer two periods of interruption in two different places in which they are surrounded by two sets

[1] Not an educationist but someone who is more widely concerned with rehabilitation.

of people. Paradoxically enough, the more thorough period of observation frequently comes *after* the Court has already reached its decision as to the treatment of the child.

One of the points which arose from Colonel Radcliffe's plea for more careful methods of placing discharged prisoners in employment was whether or not policemen should ever report to employers that one of their employees was a discharged prisoner. The police appear to be using their discretion in the matter; but from this it does not follow that they are always doing the right thing. Whether or not employers are informed is a decision which should be made within the framework of the after-care service, and should be left to people who know and are qualified to assess the history and personality of each individual offender.

HUGH I. KLARE
(*Secretary, Howard League for Penal Reform*)

PSYCHOTHERAPY IN PRISONS AND PENAL INSTITUTIONS

At the request of the World Health Organization, the World Federation for Mental Health asked Dr. R. H. Ahrenfeldt to make a survey of the extent to which individual and group psychotherapy are practised in penal institutions in various countries. Information was collected from Belgium, Denmark, France, Great Britain, Holland, Italy, Sweden, Switzerland, and the United States. The following summary, which is published by permission of the World Federation for Mental Health, attempts to outline the present position in these nine countries. It should, however, be stated that the interpretation given to the term 'psychotherapy' necessarily varies to some extent according to the country and the degree of development of facilities for psychiatric treatment in each instance; and that, even when it is reported that some form of psychotherapy is carried out in a given case, reservations should be made as to the continuity and intensity of such treatment, in so far as the latter is often undertaken in an environment which, for various reasons, has not undergone sufficiently rapid transformation to keep pace with the more recent penological, sociological and psychiatric developments in this field.

(1) *Adult Delinquents*

In *Belgium*, work has been limited to psychological assessment of certain prisoners, particularly those with neuroses or behaviour disorders, as a guide to their management in prison. Ten prisons have a department for this purpose, under the direction of a psychiatrist, but no psychotherapy is practised.

In *Denmark*, psychotic and mentally defective criminals are treated in ordinary mental hospitals. Individual psychotherapy is practised in a special institution for 'criminal psychopaths' at Herstedvester, which was described in this *Journal*, Vol. II, pp. 106 *et seq.*

In *France*, individual psychotheraphy is practised in seven prisons, including one for women, and some experiments in group psychotherapy are also being carried out.

In *England*, individual and group psychotherapy are practised in two prisons for men and individual therapy in one prison for women. In *Scotland*, the aim has been to link the psychiatric services for the prisons with those available to the general population under the National Health Scheme, and these facilities are extended to selected cases in nine prisons, including one for women.

Holland has so far provided only a limited amount of individual psychotherapy, in a special ' Psychiatric Observation Clinic ' at Utrecht, which was reported in this *Journal*, Vol. I, pp. 60–61.

In *Italy*, no psychotherapy is practised in penal institutions.

In *Sweden*, selected cases receive individual psychotherapy in the psychiatric wards of several prisons.

Switzerland has established a regular consultant psychiatric service for nearly 50 per cent. of penal institutions, but psychotherapy is almost invariably carried out in ordinary psychiatric hospitals to which prisoners are transferred.

In the *United States*, individual and group psychotherapy have been developed in some prisons. Pioneering work in group psychotherapy has been carried out in a few military prisons and detention centres, and subsequently, in some civil prisons for men and women, principally in the State of New Jersey. The practice varies too much, however, to allow an adequate summary here.

(2) *Juvenile and Adolescent Delinquents*

In *Belgium*, selected cases receive individual psychotherapy at four clinics. In *Denmark*, there is no provision for regular psychiatric treatment. In *France*, some facilities for psychotherapy have recently been introduced, but not yet expanded. In *England*, individual and group therapy are available in one institution, for selected Borstal cases, and individual therapy is practised in five Approved Schools. In *Scotland*, Borstal cases are referred to clinics for treatment, while three Approved Schools provide individual psychotherapy, and in two of these group therapy is also practised. Some individual and group therapy is practised in *Holland*, some group therapy in *Italy*, and some individual therapy in *Sweden*, treatment being limited in each case to one institution. *Switzerland* provides a psychiatric service and some individual psychotherapy for all institutions for juvenile and adolescent delinquents. In the *United States*, psychotherapy is practised in several institutions, and includes notable work in group therapy (mainly in New York State and Detroit).

The appointment of Dr. Reginald F. B. Bennett, V.R.D., M.P., to the post of Parliamentary Private Secretary to the Home Secretary is of more than immediate personal interest. So far as we know, no psychiatrist has hitherto occupied this post in the Home Office, and we should like to see in this appointment another symptom of the recognition of the rôle of psychiatry and associated sciences in those branches of administration which come within the province of the Home Secretary—in particular the prison system and other institutions and organizations concerned with the treatment of offenders.

The appointment of Dr. Bennett is of particular interest to us. He has been an active member of the psychiatric staff of the Portman Clinic (I.S.T.D.), which is so closely associated with our Institute, and, despite his parliamentary and other duties, continues to treat delinquent patients there. His intimate clinical knowledge of the subject will certainly be invaluable to him in his new administrative post.

CRITICAL NOTICE

UNRAVELING JUVENILE DELINQUENCY. By Sheldon and Eleanor Glueck. (New York: Commonwealth Fund. London: Geoffrey Cumberlege. 1950. Pp. xv + 399. Price $5.00 or 40*s*.)

I

In its positive as well as in its negative aspects, in its achievements and in its weaknesses, this book will take its place among the most remarkable and interesting documents in the history of Criminology. In mere size, in the length of time and expenditure of money needed for its completion it is probably equalled or surpassed by very few pieces of criminological research, save perhaps Hooton's 'American Criminal', the Cambridge–Somerville Study, Goring's 'English Convict', and the Gluecks' own follow-up studies.

Having devoted fifteen years (1925–39) mainly to follow-up work, the authors decided in 1939, after three years of preliminary planning, to embark upon some large-scale research into the causation of juvenile delinquency which was to take the form of a control group investigation. As in their previous work, they were successful in securing not only the best specialist advice but also the financial support which enabled them to employ a large team of skilled scientists (at times, as many as seventeen persons were engaged, full-time or part-time, in examining boys and collecting information) and to carry through their scheme according to plan. In their opinion, the main weakness in previous research in this field—a weakness which they were determined to avoid—was the tendency to overemphasize one particular line of approach and to offer one-sided causal explanations; so they decided to tackle the problem from every possible angle; physical, psychological, and sociological. This emphasis on the multiplicity of potential causes of delinquency and the need for a multilateral attack is, of course, not new; but the Gluecks have succeeded, perhaps more than any of their predecessors, in drawing practical conclusions from it. Painstaking anthropological measurements on the lines of William Sheldon's typology were combined with medical and psychiatric examinations, intelligence and achievement tests and, in particular, Rorschach tests; moreover, the family, school and community background of each boy included in the investigation was explored by social workers.

No such control group study can dispense with the device of holding a number of factors constant. In Burt's 'Young Delinquent' the control group was matched for age, social class, street and school; in Merrill's 'Problems of Child Delinquency' for age and nationality, and so on. The Gluecks decided to match their two groups in four respects: age, general intelligence, national (ethnico-racial) origin, and residence in under-privileged neighbourhoods. The reason given by the authors is that they wanted to exclude from their investigation certain 'more general or cruder factors' so as to be able to concentrate on more 'subtle processes of personality and environment' (p. 14). Moreover, with regard to the last-mentioned of those four factors they explain that, in view of the emphasis placed by Clifford Shaw and his school on the criminogenic effect of residence in under-privileged areas, they regarded it as their main objective to find out why even in such areas most children do not become delinquents, which made it necessary to hold the area factor constant (pp. 14 and 20). This, though sound in theory,

produced a number of practical difficulties to be mentioned later on, and, together with the absence of a sociologist from their research team, has given rise to the—no doubt unfounded—suspicion that the authors were slightly biased against any environmental explanation of delinquency.

The question of how to select the human material for the control group study also raised various scientific problems and technical difficulties. Originally, the authors had intended to make a study of all families residing in a high-delinquency area in Boston and having children of juvenile court age, a technique suggested by Reckless in his 'Etiology of delinquent and criminal behavior'. They rightly felt that this would have provided a perfect control of environmental conditions (p. 19). For practical reasons, this project was abandoned and the traditional control group technique of selecting a delinquent and a non-delinquent group had to be adopted. However, even here the researchers had to make concessions: instead of selecting, as they had planned, their 500 delinquent boys from juvenile courts and their 500 non-delinquents from settlement houses in the same area, they had eventually to take the former from Boston boys committed to a State Correctional School in Massachusetts and the latter from public schools in Boston. Only persistent offenders with an average of more than three convictions each were included in the delinquent group. The non-delinquents, while occasionally guilty of minor misconduct, were completely free of any official police or court record. The average age of the delinquents was 14 years 7·79 months, that of the non-delinquents 14 years 5·54 months, in both groups ranging from a minimum of under $11\frac{1}{2}$ to over $16\frac{1}{2}$ years. The average length of stay of the delinquents in the Correctional School was 7·12 months, but among them were seventy-six with periods of a year or more. The eventual matching was done by pairs but, in spite of the endless care taken to ensure perfect equality of the two groups with regard to the four factors held constant, one gets the impression that, for reasons no doubt beyond the control of the investigators, this object was not completely achieved. Not only do the age composition and the I.Q.s show not inconsiderable differences (pp. 37–39 and Appendix B), the matching of the 'underprivileged neighbourhood' factor did not necessarily mean that the boys came from the same district, but only that they were selected from districts regarded as equally bad (pp. 30–32 and 40). With regard to ethnical origin Appendix B reveals that occasionally a boy of English origin was matched against one of Scottish ancestry, a Rumanian or Turk against a Syrian, a Lithuanian against a Russian, a Swede against a German or Dutch, a Greek against a Hungarian, and so on. All this only serves as just another illustration of the immense difficulties inherent in any such a process of individual matching, difficulties to which attention has repeatedly been drawn in recent American sociological literature.

For the building up of the social histories alone 149 factors were used, and every conceivable device was employed to ensure uniformity in compiling these histories from records and through interviews (pp. 41 *et seq.*). The social investigations began in 1940 and were completed only in 1948 (p. 53). One of the most valuable features of the research was the insistence of the authors on complete independence of the work of each of their assistants: no investigator had access to the findings of the others (p. 17).

Space forbids to quote more than a few details from the results of this great inquiry. Numerous factors often quoted as having considerable causative value were found to have no such significance, including many aspects of parental and

home background, culture conflict, etc., unless—a very important qualification—' in some cases their combination with other factors or their activity as catalyzers results in new causal synthesis '. It is good to note that the authors indicate their willingness to explore this possibility in a later volume (pp. 272–3).

Among the factors with probable causal significance are, apart from those to be dealt with by another reviewer, differences in the use of leisure time (e.g. far more frequent movie attendances), in the choice of companions (56 per cent. against 0·6 per cent. gang members, pp. 161–3), in the economic conditions of the family (23·6 per cent. against 9·2 per cent. living on income other than the earnings of the family, i.e. mainly on poor relief, etc.), in the marital status of the parents, and many others. As some of these findings refer to the time of the investigation when the delinquents had already been misbehaving for some years the authors stress that they may not necessarily have causal significance (p. 92).

Drawing together all the more significant trends revealed by their research the authors finally offer ' a tentative causal formula or law ', to which, however, they rightly attribute only the character of a ' temporary statement of relationships, to be modified after more intensive microscopic study of the atypical cases ' (p. 282).

Although this is not a follow-up study, the authors have made an attempt to use some of their findings for the construction of Prediction Tables (Chapter XX). Their object was to provide a prediction instrument which could be used for prognostic purposes to spot the potential delinquent already at the time of school entrance; factors arising later than at the age of six had therefore to be excluded. Three separate Tables were constructed, one based on social background, one on character traits determined in the Rorschach test, and one based on psychiatric findings. A considerable amount of agreement was found regarding the placement of individual boys in the various predictive categories.

It is impossible in a review of limited size to do full justice to this monumental piece of research. As already indicated, various aspects of the research technique employed by the authors have been severely criticized, in particular their selection of the factors held constant and their technique of individual matching; their failure sufficiently to take into account the effect of residence in a Reformatory; the attempt to use juveniles of an average age of fourteen to construct Prediction Tables for children of six. Their ' law of causation ' has been regarded not only as too general and so far untested, but also as being in part at variance with their own findings, and so forth. Some of the criticisms so far raised seem to be unfounded; it is not necessarily wrong, for example, to exclude factors from Prediction Tables which have been found to have some causal value. Other criticisms, though apparently justified, have been anticipated by the authors who in the final chapter of their book and in their article in *The Journal of Criminal Law and Criminology* of March–April, 1951, i.e. before those criticisms had appeared, present a comprehensive programme for further supplementary research on the data so far collected. They will no doubt be only too willing, as far as this is still practicable, to give full consideration to every point raised in the current discussion. In some respects, however, a second investigation might be desirable in which, for example, the two groups would be matched with regard to other factors and where in particular, instead of holding the neighbourhood factor constant, two areas of different character might be contrasted.

After less than two years since its publication, the critical analysis of this book has

hardly advanced beyond the earliest stage, and it will require much constructive thought to derive the greatest possible benefit from it. In spite of all the painstaking devotion to detail for which the authors are rightly renowned, it may well prove to be not yet detailed enough. There has been no ' perfect ' piece of criminological research so far, just as, to our knowledge, there has been no ' perfect ' crime. We have to be grateful to the authors for having brought the tools of criminological research another stage nearer to perfection.

HERMANN MANNHEIM.

II

The outstanding feature of these authors' work has always been their capacity to plan vast research projects and carry them to completion. The clinical sections include a study of the boys at the somatic level (medical history, examination and anthropometry); intellectual level (Wechsler Bellevue test); and emotional-temperamental level (psychiatric interview and Rorschach test). The anthropologist, psychiatrist and psychologist, however, were required to work in ignorance of the others' progress, and what it has meant in patience and discipline to maintain this separation for years can well be imagined.

Little was apparently expected from the medical history and examination; but the nature and certainty of the results make it one of the most important sections. The finding that a history of extreme restlessness and enuresis in early youth was twice as common in the delinquents, although the controls had so much cause for disturbance, has great significance; and it is interesting that, at least as a group, the delinquents had if anything less visual defects, genital pathology, birth injury or stammer than the non-delinquents.

The inclusion of a detailed anthropometric study by Dr. Seltzer is a great tribute to the authors' breadth of vision, and is the most original feature of the book. The result shows a surprising degree of difference in physique, the delinquents having a larger gross bodily size, greater muscularity and homogeneity, a stronger masculine component and less disproportion. All discussion of the possible bearing of this upon personality and behaviour is carefully avoided, although they confirm much of Dr. Sheldon's recent study in a remarkable way.

Since the groups were matched for general intelligence, there is only evidence of their differences in verbal and performance scores. In view of recent work it is disappointing to find that these differences are slight, although estimates of some qualitative aspects of intelligence from the Rorschach tests showed greater differences between the two groups.

The psychiatric and psychological aspects are discussed in great detail. The results will arouse wide interest and certainly the greatest controversy, for it is in the swamps of personality assessment that the greatest methodological difficulties are met. Most readers will probably be stirred to protest in one way or another, however much they will admire the whole undertaking. The authors were impatient of questionnaires and rating scales, and have pinned their faith to the Rorschach test to reveal the personality and character structure. The psychiatrist was used to fill in some gaps and to assess some of the more superficial but dynamic aspects of personality. This appears to have been conceived on analogy, *e.g.*, with an independent clinical and radiological examination; the question is whether they are not really asking two clinicians to examine cases separately, the one with only a stethoscope, and the other only by percussion.

The psychiatrist interviewed each boy with knowledge of the social history, and checked certain social items such as club attendance and family attitudes. In the structured interview it was rather astonishingly found that it was ' most effective if the psychiatrist began by questioning the delinquents about their misbehaviour '. The presence of emotional conflicts and the method of resolving conflicts, etc., were then recorded.

The Rorschach protocols were analysed ' blind ' by Dr. Schachtel. In place of the mathematical method he scored them with greater meaning by checking the presence or absence of fifty-four different traits. The delinquents, for instance, were found to be significantly more socially assertive, defiant, resentful, suspicious, etc., and less submissive and dependent than the non-delinquents. Doubts centre chiefly on the reliance to be placed on the data derived from these two examinations, for the research method demands the separation of two techniques which have grown up together and are without question more revealing when combined very closely. Because of the superficial form of the material, it seems to the reviewer that the subjectivity of the interview and the objectivity of the Rorschach have been over-estimated. However, in this respect the authors are following the consensus of American opinion, which is less cautious about the meaning attached to Rorschach results than is expert opinion among psychologists here. (Among the American reviews of the book, sometimes almost carpingly critical, there is no breath of suspicion about the Rorschach findings.) An unfortunate result is that the psychiatrist, Dr. Moulton, is the only member of the team who does not contribute a chapter on his methods; his comments on the Rorschach and even his diagnoses are omitted. Dr. Schachtel ' resolves ' differences in diagnosis and contributes a table of ' psychiatric diagnoses based on the Rorschach '. The results therefore have to be carefully scrutinized. It is interesting that ' neuroticism ' was found more commonly in the non-delinquents, but this is based on the Rorschach alone. Or again, 0·8 per cent. of the delinquents show ' organic disturbances '; but in one case, diagnosed epilepsy by the psychiatrist, the Rorschach showed no abnormality since ' epilepsy quite often cannot be seen on the basis of the Rorschach '.

Apart from such occasional difficulties, the authors have underestimated the amount of intuition used in such interpretations as a trait of ' feeling of not being taken seriously ' and ' feeling of not being taken care of '. Rorschach experts tell me that these are scored with great ingenuity, but would probably not be scored by another expert. Moreover, although the Rorschach may ' project essentially unconscious materials ', it suffers like all forms of examination from the difficulty that more superficial material is inseparably mixed in with the rest. It was the interviewer who noted that undesirable attitudes to parents were sometimes partly attributable to recent commitment to an institution; however, ' feeling of resentment ' will presumably appear as a trait of personality on the Rorschach, whatever its origin.

The authors are fully aware of the extreme difficulty of comparing the two sets of observations. Although greater frankness and rather more of the caution shown in the biological section would have made the results even more impressive, these are only minor criticisms of a great undertaking.

In this first volume, in which a heterogeneous group of delinquents is compared *en bloc* with controls, it is not surprising to find that the results tend to confirm common knowledge. Apart from the prevalence of mesomorphy in the delin-

quents, the most interesting features are those neutral or negative factors—those which are as common or commoner in non-delinquents. In the subsequent volumes in which the correlations between factors will be studied, we may expect the most valuable material to emerge.

T. C. N. GIBBENS.

REVIEWS

ARMS OF THE LAW. By Margery Fry. (London: Victor Gollancz, for the Howard League for Penal Reform. 1951. Pp. 255. Price 12s. 6d.)

Of the present generation few have been so outstanding in their devotion to the cause of penal reform as Miss Margery Fry. She has done much to awaken the public conscience and to inspire reformist effort in this country; and her counsel is often sought as an authority in the international field. This present book serves a twofold purpose in an admirable way. It presents the scientific foundation of her life-long work for penal reform, the facts and figures which support her strong personal convictions, and secondly it is an ideal introduction to the study of criminology.

The first three chapters give a condensed account of man's reactions to crime and punishment, from their irrational roots in primitive society down to the considered views of the great penal reformers in the Age of Reason; from Lombroso's discovery, albeit misinterpretation, of the criminal to the disillusioning impact of analytical psychology and the indication of unknown biological limits revealed by the electro-encephalogram. This is no conventional ' historical introduction ', but is intended to show how underneath modern conceptions of punishment the forces of the past are still alive, a fact which accounts for the strange medley of common-sense opinion and ' Gallup-poll morality '. Our concept of punishment is indeed a rationalization *ex post*, and such conflicting motives as the desire for compensation for injury in the culprit's suffering, the avoidance of contamination that might arise from associating with him and the wish to save the country from the Gods' wrath are still at work. These motives, transformed in one way and another, explain society's intolerance of the criminal and the slowness and setbacks of a rational prevention of crime.

The second part, by no means a mere ' digression on fear ', provides an instructive differential psychology of deterrence, a system which is still regarded as the basic weapon of criminal law for the protection of society. The ' past-dweller ', brooding on revenge for past injury, will not be deterred by the prospect of future punishments; ' present-dwellers ', capable of heroic defiance of imminent dangers, will for this very reason be uninfluenced by the threat of punishment; ' future-dwellers ', either anticipating every unfavourable chance, or confident of their own ingenious planning, are the authors of deliberate crimes and may be influenced by the certain prospect of long sentences. Indeed, ' deterrence by fear is variable ', a generalization which is strengthened by Dr. Norval Morris's recent observation that its efficacy is in inverse proportion to the gravity of the offence. Social conscience alone would not prevent the cyclist from riding without a rear light and the motorist from exceeding the speed limit if it were not for the fear of being reported and prosecuted, but what Mr. D. H. Stott calls a ' delinquent breakdown ' will not be avoided by the anticipated gloom of prison life.

The third part is an illuminating survey of existing penal and corrective methods in England. Present law-makers and penal administrators, as Miss Fry never hesitates to recognize, are ahead of public opinion; but even so the system itself resembles public opinion in its strange composite character. The treatment of juveniles, Borstal with its notable trend to 'open' treatment, the development of probation and of training centres for long-term prisoners receive much praise and appreciation from the author. Capital punishment, however, still exists, together with corporal punishment, as a disciplinary penalty in prison, to which may be added the oppressive atmosphere of drab and unsuitable nineteenth-century prison buildings, overcrowded and understaffed, with little opportunity for personal work on the individual offender.

The book is in no way Utopian; it makes a strong case for treatment as against deterrence. Punishment is not discarded altogether and the author firmly maintains the necessity of adherence to the Rule of Law, adding, however, the proviso that executive bodies, and not simply the administrators of penal and corrective establishments, should be given increasing powers and discretion regarding the actual mode of treatment. Thus, by a transformation from within, the concept of punishment would develop further from impulsive reaction and become a rational instrument for the protection of society by training and readjusting some cases and segregating others without deliberate hardship. In this programme rational crime-prevention and humane regard for the offender's personal dignity go hand in hand. We are to-day sensitive to the dehumanizing effects of rationalized systems. Miss Fry's book reminds us that, in the field of penal reform, distrust of indiscriminate rationalism ought not to deflect us from developing the best possible scientific armoury for the prevention of crime and the most efficient instruments for its treatment.

M. GRÜNHUT.

TRAITÉ ÉLÉMENTAIRE DE SCIENCE PÉNITENTIAIRE ET DE DÉFENSE SOCIALE. By Jean Pinatel, Inspecteur de l'Administration. (Paris : Librairie du Recueil Sirey. 1950. Pp. lxxxii + 567. Price not stated.)

Monsieur Pinatel, equally well known as a penologist and as the General Secretary of the International Society of Criminology, has produced an excellent and authoritative handbook on French penal administration which deserves in no way the epithet 'elementary'. In an Introduction of 80 pages a survey of the historical development of penal methods in general is given, together with an analysis of the principal criminological doctrines. Emphasis is placed on the dependence of a scientific system of Penology on the findings of Criminology, and in an interesting discussion of the nature of Penology the author rightly condemns any kind of degradation of his subject to the rank of a mere technique (p. lxxix).

The book itself is divided into two main parts, the first devoted to the problems of punishment, the second to those of social defence. In the first part the legislative and administrative aspects of the French penal system are treated in full detail. Under the heading of Legislation the history of the various penalties in French law is traced, such as for example transportation, the fate of which has apparently not yet been finally decided (p. 70). Penalties are either *peines de neutralisation* or *peines d'exemplarité* or *peines de rééducation*. In no uncertain manner, the author places the main emphasis upon the latter category. In view

of the many different types of imprisonment existing side by side in the French penal system, the discussion on the merits of a uniform prison sentence deserves special attention (pp. 81 *et seq.*; see also the author's article above). Would such a uniformity be desirable on criminological grounds, the author asks, and would it be practicable in view of the structure of the French substantive criminal law and criminal procedure, based as they are on the tripartition of *crimes*, *délits* and *contraventions*, and of *cour d'assises*, *tribunal correctionnel* and *de simple police* respectively? Is perhaps the retention of the various types of imprisonment indispensable because criminological research has shown the close relationship between the personality of the offender and the legal character of his offence? However, the author admits that the findings of criminological research on this point are somewhat ambiguous, and he is therefore inclined to accept a compromise solution which may produce practical results in effect not too different from those achieved in this country by the Criminal Justice Act, 1948. There is also a penetrating analysis of the legal rights of prisoners (pp. 90 *et seq.*) and of the rôle of the judiciary in matters concerning the execution of prison sentences (pp. 96 *et seq.*; see also No. 9 of the ' Principles ' reproduced in the author's article). Convinced of the futility of short prison sentences and of the dangers of solitary confinement, M. Pinatel pleads for the adoption of probation for adult offenders on the lines of the British system (pp. 112–13). In his description of education and discipline, too, the author refers with approval to certain features of the English prison system (pp. 250 and 265 *et seq.*). He is doubtful, however, about the wisdom of using corporal punishment in prison. For the future training of prison staff, which he regards as inadequate at present, he makes some detailed suggestions, including, for example, two years of academic study before appointment to the higher posts (p. 172). One would have wished for more information about the functions of the ' *éducateurs* ' (pp. 159 and 166). While strongly supporting the idea of scientific classification, the author is somewhat critical of the limitations imposed on it by recent French legislation (p. 262). One of the most valuable chapters deals with the problem of prison labour; it is shown that the two systems of ' *concession* ' and ' *régie directe* ' exist at present side by side, and that in future the former is likely to be adopted for the shorter and the latter for the longer prison sentences (p. 282). The prisoner's share in the yields of his labour, between four- and seven-tenths of the total, depends on the kind of imprisonment he is serving and is therefore linked to his offence. Earnings are divided into three parts, one at the prisoner's immediate disposal, one for the time after his discharge, and one for the cost of his trial and other debts to the Treasury (pp. 293 *et seq.*). Of great interest are the chapters on the employment of prisoners outside prison (*chantiers extérieurs*) and in agricultural colonies (pp. 309–23), on social work in prison and on after-care (*assistance penitentiaire*, pp. 347–76). Although in full sympathy with the traditional system of collaboration between private organizations and the State in matters of after-care, the author rightly stresses the need for an extension of the scope of State activities in this field.

In the second part of the book, which deals with ' Social Defence ' as distinct from punishment, the treatment of juvenile delinquents in France is described. With regard to adult offenders, the special problems of the recidivist and of the mentally abnormal are discussed in their legal and criminological aspects. In the section on *relégation* (preventive detention) a comparative survey of legislation is given which for this country makes no mention, however, of the changes introduced

by the Criminal Justice Act, 1948. With regard to mentally abnormal offenders (pp. 511 *et seq.*), an outline is presented of the present system and of the measures envisaged for the future. For mentally abnormal offenders, who, although not insane and requiring hospitalization, show a disposition to commit further crimes, legislation is planned which would place them, after a period of observation, at the disposal of a '*commission de protection sociale*', consisting of a magistrate, a barrister and a doctor (p. 520). This commission would have power to commit the offender to a special establishment for a period of three to five years in cases of less serious and of eight to twelve or even eighteen years in cases of more serious crimes. (See also the author's article above.)

In an appendix the author tells us that the book was prepared in view of the two International Congresses held in 1950 in Paris and at The Hague. It is in fact much more, however, than merely a passing tribute to those two occasions and likely to remain the standard work on its subject for many years.

H. M.

STERILIZATION IN NORTH CAROLINA. By Moya Woodside. (U.S.A.: University of North Carolina Press. London: Geoffrey Cumberlege. 1950. Pp. xv + 219. Price 20*s.*)

The subject of negative eugenics has an irresistible attraction for many people. It seems such a simple matter, on the assumption that antisocial conduct, low mental capacity and inability to live up to accepted standards of morality are inherited, to improve the human stock by judicious preventive sterilization. In consequence of this urge, eugenic sterilization is now practised in a large number of different countries, in Denmark, in Sweden and in many States of the U.S.A. There have been previous accounts of the working of sterilization laws but, in 'Sterilization in North Carolina', Moya Woodside has made a more careful study than usual of the situation in a particular locality. The work of summarizing the information available has been carried out in a painstaking manner and is very well presented. Though the author is undoubtedly biassed in favour of the project in North Carolina, she gives enough facts to enable the reader to draw independent conclusions with some assurance.

The present eugenic sterilization law in North Carolina dates from 1933, but there was also an earlier Act in 1929. Between 1929 and 1947, 349 males and 1,477 females have been sterilized, 58 males castrated and 17 females ovariectomized. White and coloured populations appear to have been treated here without discrimination. Almost two-thirds of the cases have been dealt with on account of feeblemindedness, the remainder for other forms of mental illness. Since the number of mentally deficient people in the State is alleged to be 71,000, the sterilization of 100 cases each year is unlikely to have any eugenic effect even if the crude assumption is true that like breeds like. Moreover, in a great number of the cases investigated, the operation was performed on women after they had given birth to several children. It becomes apparent that, in spite of what the author terms 'the urgent eugenic problem' caused by 'the undesirable genetic contributions to posterity being made by persons of low intelligence', the main value of these laws is to ease the burden of parenthood for those who find it too great. It is thus a safe alternative to contraception. There are, however, suggestions of abuse. Institutional patients are very dependent upon the recommenda-

tions of the superintendent and the punitive threat of asexualization is sometimes in the background. ' The operation is not performed on feeble-minded girls if it is thought that they may be institutionalized all their lives.' It is difficult to avoid the inference that the alternatives of staying in hospital permanently or to being sterilized and let out are often in the minds of patients. Then, again, castration has been recommended for patients ' whose masturbatory and homosexual practices are a recurrent difficulty in the institution '.

The chapter on therapeutic sterilization is of considerable interest because it points out that, on the whole, the law is precise only where eugenical operations are concerned. The case for extending the scope of therapeutic sterilization beyond its strict medical uses in maternal disease to cases in which the responsibilities of parenthood, as opposed to childbearing, would be detrimental to the woman's mental or physical health was adumbrated in the British Departmental Committee's report in 1934. It is a matter of regret that the almost fanatical ideas of eugenists based upon very imperfect knowledge of human genetics should have confused the issue to the detriment of the purely medical necessities.

Moya Woodside is to be congratulated on making a good statement of her case for the practice of eugenic sterilization, but the ingenuous reader should be warned that there is a strong case on the other side too.

LIONEL PENROSE.

SELECTION FOR PAROLE. By Lloyd E. Ohlin. (New York: Russell Sage Foundation. 1951. Pp. 143. Price $2.)

The several references to Prediction Tables in the first volume of this journal, the recent publication of the Gluecks' ' Unraveling Juvenile Delinquency ', and the current tendency in research towards follow-up studies have increased the importance of the problem treated in the work under review. The author is sociologist-actuary in the Illinois Penal System, and in this monograph he collates the interesting experience of Illinois' twenty years' application of statistical prediction techniques to the task of selecting the appropriate prisoners at the appropriate time for testing on parole. The result is a most convincing and practical proof of the value of such techniques. There is no hint of overstatement in this careful and accurate account of the application to a concrete problem of actuarial methods normally regarded as on the periphery of criminological theory, and the reader who, like the reviewer, is appalled by the complexity of statistical theory, will find no difficulty in following the clear thread of Ohlin's argument.

Ohlin prefers the term ' Experience Table ' to the more commonly used ' Prediction Table ', and he supports this preference by stressing the frequently forgotten fact that one thing these tables do *NOT* do is to predict; they merely concisely summarize certain relevant significant experience of the past. Like correlations, they are signposts and not operable conclusions. The Experience Table will tell the Parole Board into what risk group any prisoner falls; and what is the likelihood during their period of supervised parole of members of this group (not the prisoner himself) committing a crime or in other ways failing to live up to parole requirements. As an aid to each particular decision the Experience Table is thus of great worth; to allow it to be conclusive of that decision would be perverting its use. Having made this point, the author explains in detail how in Illinois such tables are made, what they are capable of doing, what success has

attended their use, and how they can be applied as a routine part of the parole decision.

There is power, as yet unused, in ss. 21 (2), 21 (3), and the third schedule to the Criminal Justice Act, 1948, to inject a measure of indeterminacy into the sentences of Corrective Training and Preventive Detention; but until that is done there is no English parallel to parole. The nearest approximation to it is to be found in the Borstal System. For our adult criminals the date of release depends on the term imposed less remission for good conduct, and thus the parole decision considered by Ohlin is not of direct relevance to English penal practice. But though this monograph has not, therefore, any immediate bearing on our problems —owing to our failure to realize the advantages to be gained from some indeterminacy in prison sentences—it is nevertheless a work which should be studied by all those interested in follow-up studies, in prediction tables, and generally in rational sentencing practice.

NORVAL MORRIS.

THE ADOLESCENT DELINQUENT BOY. Report of the Joint Committee on Psychiatry and the Law appointed by the British Medical Association and the Magistrates' Association. (London: British Medical Association. 1951. Pp. 32. Price 3d.)

'There is little that is new in this memorandum, but it is a useful summary.' So ran a notice of this pamphlet shortly after its publication. Certainly there is little new—one would hardly expect otherwise since, as the Committee points out in its concluding comment, it 'has sought to draw attention to some of the more frequently found characteristics of the adolescent delinquent boy'. Certainly, too, it is a more than useful summary. But to say no more than this does it far less than justice.

Its value lies first in the fact that we have here once again a body of eminently sound information, comment and suggestion, agreed upon by representatives of psychiatry and the law, set out in studiously moderate terms, whose form and language will readily commend it to the quite substantial body of laymen whose attention is being concentrated through the medium of Juvenile Delinquency Committees and the like on the problems of delinquency; and, second, that its emphasis on the broader social issues may, one can reasonably hope, help to divert their attention from unprofitable over-concentration on the treatment of delinquents towards those more embracing measures included in the Committee's recommendations, whose wider relevance is such that their particular relevance to the problems of delinquency is not always clearly seen.

So compact a report inevitably has its defects, which will perhaps be felt keenly only by those who have a particular axe to grind; one could wish, for example, that a more positive emphasis had been laid on the need to attempt rehabilitation of parents, in place of the oblique reference which is concerned to emphasize the risks involved. But the pamphlet should certainly be distributed to all members of Juvenile Delinquency Committees, and could profitably be studied by all whose preoccupation with more limited aspects may tend to obscure the wider issues.

R. W. DRINKWATER.

SOCIAL ANTHROPOLOGY. By E. E. Evans-Pritchard. (London: Cohen and West. 1951. Pp. vii + 134. Price 8*s.* 6*d.*)

Fifteen years ago social anthropologists in Britain used to pride themselves that they had no text-book. Anthropology, they maintained, was a branch of knowledge which could not be condensed into a series of general statements understandable by a reader new to the subject. In recent years several introductory works by British anthropologists have appeared, and more are promised. The recent broadcast talks by Professor Evans-Pritchard, now issued in book form, are addressed to an even wider audience than the growing ranks of anthropological students. They are in non-technical language, and it is a pleasure to read them in print.

In presenting anthropology as an organized scholastic tradition of universal appeal, Evans-Pritchard has perhaps gone too far, and we are shown anthropology as a confused juggling with symbols taken over from philosophy and theology. For example, Evans-Pritchard devotes much of his space to discussing whether anthropology is a science or an art. In 1947 he gave a lecture describing the use of scientific method in anthropology, and in 1949 in another lecture he maintained that anthropology was not and could not be scientific. Your reviewer had always interpreted this as evidence for a marked change of view in the course of two years. But in 1951 passages from these two lectures are re-issued as part of a single interpretation of the aims of anthropology (pp. 57, 88, 90). This attempt to have the best of both worlds is connected with his desire to refute the view, more common in America than here, that men are mere putty in the hands of the scientifically omniscient State, and that it needs only a few more thousand dollars for sociological research to eliminate war, crime, unhappiness, etc. This view should be refuted, but in doing so, Evans-Pritchard falls over backwards. Considerable advances have been made in the last two decades in our understanding of such social phenomena as witchcraft, stateless societies, and kingly symbolism. Evans-Pritchard, more than anyone else, has been responsible for these advances. In his eagerness to deny the existence of sociological laws his own considerable achievements are belittled as ' mere tautologies and platitudes on the level of common-sense deduction '. In retrospect the most brilliant discoveries may appear platitudinous; nevertheless we have to wait for brilliant men to make them.

This is an important work, not indeed as an introductory text-book, for which it is not very suitable, but as a detailed exposition of an intellectual standpoint which has been and will continue to be the subject of much controversy.

J. A. BARNES.

ABSTRACTS AND REFERENCES

Owing to the volume of other material, this section has been postponed to the next number.

CORRESPONDENCE

To the Editorial Board

Dear Sirs,—Messrs. Heinemann have drawn my attention to a review of my book ' Prostitution and the Law ' by Claud Mullins which appears in your Journal of October, 1951. The reviewer in the first paragraph states that the book was published two years out of date and wonders whether the publishers were justified in so doing. The suggestion is that Messrs. Heinemann took two years to publish this book, a statement which is inaccurate and is based on a misapprehension on the part of the reviewer. In fact the MSS. was handed in to Messrs. Heinemann in completed form in September, 1950, and the book was published in May, 1951. The grounds for Claud Mullins making this allegation are misconceived: the Legal Aid Act received the Royal Assent in 1949, but the Legal Aid and Advice Act, 1949 (Commencement) Order, 1950, implemented the sections with which I was concerned with effect from October 2, 1950. All this is made quite clear in the Preface to the book.

In view of the serious reflection on Messrs. Heinemann I would be grateful if you would correct this misleading statement.

Yours etc,
T. E. JAMES.

London, W.1.
November 28, 1951.

Mr. Mullins writes: It is not always possible for a reviewer to know where responsibility lies. No reflection on Messrs. Heinemann was intended in my review and, if the opening sentence suggests blame on them, I can only express regret. But it is an author's responsibility to see that his book is in every respect up to date when he passes it to his publisher. The fact is that the Legal Aid Act was available for all after July, 1949, yet the author referred only to the Bill. The fact that a later Act on the same subject was passed seems irrelevant in this connection.

CONTRIBUTORS TO THIS NUMBER

E. F. PIERCY, B.A. (Sociology), O.B.E., was first Warden and is now Chairman of a Club started in Holborn by Bedford School in 1920. Formerly General Secretary of National Association of Boys' Clubs, he is now its Director of Research. Carrying out survey of wastage in youth organizations in central London for King George's Jubilee Trust.

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